FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN
OCT 27 1967
MAIN READING ROOM

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The President
Agricultural Stabilization and Conservation Service
Agriculture Department
Air Force Department
Atomic Energy Commission
Business and Defense Services Administration
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Defense Department
Education Office
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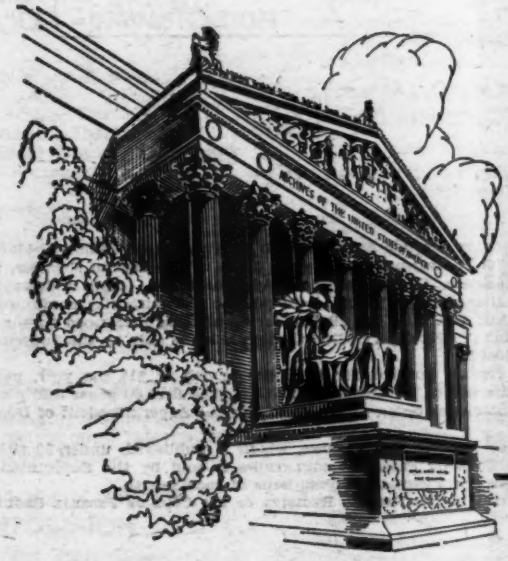

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1949–1963

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Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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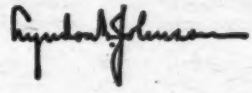
Executive Order 11377

PROVIDING FOR TARIFF COMMISSION REPORTS REGARDING THE ESTIMATED CONSUMPTION OF CERTAIN BROOMS

By virtue of the authority vested in me by the Constitution and the statutes, including section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), it is hereby ordered as follows:

1. In order to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the United States Tariff Commission shall keep under review developments with regard to whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules, and other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of such schedules, and shall annually report to the President, as early as practicable in each calendar year, its judgment as to the estimated annual consumption of each such kind of brooms during the immediately preceding calendar year, together with the basis therefor. The first report by the Commission under this paragraph shall contain estimates for the calendar year 1967, and also similar estimates for the calendar year 1965, together with the basis therefor.

2. At the time of its report of the estimates under paragraph 1 of this order for 1968, and biennially thereafter, in addition to the matters described in paragraph 1, the Commission shall report to the President available information as to the production of and trade in other types of brooms which it considers to be competitive with those identified in paragraph 1 and, if practicable, estimates as to the annual consumption of such other brooms.



THE WHITE HOUSE,
October 23, 1967.

[F.R. Doc. 67-12665; Filed, Oct. 24, 1967; 9:50 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Basis and purpose. The following revision is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (Secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to change the method by which certificate costs are determined on exports of wheat (other than exports of Durum wheat and other than exports under the regulations implementing Public Law 480, 83d Congress, as amended). The revision provides that an exporter who intends to export such wheat must submit a report of intention to export consisting of an offer to export such wheat from a designated coast of export during a specified export period and stating in his offer the time when the exporter wishes the offer to be considered by the Director. Announcement of rates is made daily by the Director. Such announcement may be of a certificate cost, or export payment rate in a specified amount or of a zero certificate cost and zero export payment. The rate applicable to an offer accepted by the Director will be the rate in effect on the date the offer is submitted for consideration. If the announced rate is of an export payment, the exporter may qualify for an export payment upon compliance with the requirements of GR–345.

The method for determining certificate costs on exports of wheat (other than Durum wheat) under Public Law 480, is the same as previously, i.e., the exporter is required to submit a Notice of Sale to the Director and the certificate cost is the cost, if any, in effect on the date of sale or date of filing Notice of Sale, whichever is the higher. Similarly, the method for determining certificate costs on exports of Durum wheat remains the same as before. Such costs are based on a proposed rate contained in an exporter's Report of Intention to Export, which is accepted by the Director.

The change in the method of determining certificate costs has been adopted in order to make U.S. wheat more competitive in world markets. This revision also makes miscellaneous other changes in the regulations. Corresponding changes in GR–345 which relate to export payments on wheat are issued concurrently with these regulations. These requirements must be acted upon immediately by exporters of wheat inasmuch as export sales occur in advance of exportation and it is desired to assure that forward sales of wheat from the United States will be competitive in world markets. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and shall be effective as hereinafter provided. General details of this revision have, however, been provided each person who has exported wheat under these regulations or under GR–345 in the last year and each such person has been afforded an opportunity to comment on the proposal.

The Export Wheat Marketing Certificate Regulations (29 F.R. 7867, as amended by 29 F.R. 9840, 30 F.R. 8509, 14770, 31 F.R. 4722 and 7997) are revised to read as follows:

Sec.

778.1 General statement.
778.2 Administration.
778.3 Definitions.
778.4 Wheat marketing certificate (export).
778.5 Requirement for export certificates.
778.6 Report of intention to export.
778.7 certificate costs and special requirements for exports of wheat other than exports of Durum wheat and other than exports of wheat under GR–261 and Public Law 480.
778.8 Certificate costs and special requirements for wheat (other than Durum wheat) exported under Public Law 480.
778.9 Certificate costs and special requirements for Durum wheat including exports under Public Law 480.
778.10 Clearance on exportation or shipment from the United States.
778.11 Reports of wheat shipped to Canada in bond and reports of wheat exported.
778.12 Penalties.
778.13 Records.
778.14 Payments in dispute.

AUTHORITY: The provisions of this Part 778 are issued pursuant to Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178 and 79 Stat. 1202, Sec. 5, 62 Stat. 1070, Sec. 102, 68 Stat. 454, 7 U.S.C. 1379a to 1379j, 15 U.S.C. 714c, 7 U.S.C. 1702.

§ 778.1 General statement.

The Agricultural Adjustment Act of 1938, as amended provides, with certain exceptions, that during any marketing year for which a wheat marketing allocation program is in effect, all persons exporting wheat shall, prior to such export, acquire export wheat marketing certificates equivalent to the number of bushels of wheat so exported. The cost of the export marketing certificates per bushel to the exporter shall be that amount determined by the Secretary on a daily basis which would make United States wheat generally competitive in the world market, avoid disruption of world market prices, and fulfill any applicable international obligations of the United States. The act also provides that upon the giving of a bond or other undertaking satisfactory to the Secretary of Agriculture to secure the purchase of and payment for such marketing certificates as may be required, and subject to such regulations as he may prescribe, any person required to have marketing certificates in order to export the wheat may be permitted to export such wheat without having acquired marketing certificates in advance. The regulations in this part contain the terms and conditions for implementing these requirements of law.

§ 778.2 Administration.

The regulations of this part will be administered by the Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS") under the general supervision of the Administrator, ASCS. The Commodity Credit Corporation (hereinafter referred to as "CCC") will assist in carrying out the regulations through the issuance, sale and purchase of export certificates. Information pertaining to these regulations may be obtained from the Director, Procurement and Sales Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 778.3 Definitions.

As used in the regulations of this part and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows, unless the context or subject matter otherwise requires:

(a) "Administrator" means the Administrator, ASCS.

(b) "Bushel" means 60 pounds of wheat, exclusive of dockage, as defined in the Official Grain Standards of the United States or 60 pounds of wheat which is contained in mixed grain or in any mixture.

(c) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(d) "Commodity Office" or "Kansas City Commodity Office" means:

Kansas City ASCS Commodity Office, ASCS–USDA, 8930 Ward Parkway, Kansas City, Mo. 64141, Mailing address: P.O. Box 205, Kansas City, Mo. 64141.

(e) "Day" means calendar day.

(f) "Director" means the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee.

(g) "Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat from the United States to any destination outside the United States, except that in the case of wheat shipped to Canada in bond "export" or

"exportation" means the subsequent shipment of such wheat from the Canadian port to a destination outside the United States and Canada. The wheat shall be deemed to have been exported on the date of the applicable on-board bill of lading and at the time provided in the ocean carrier's lay-time statement or acceptable similar document, or if shipment from the United States is by truck or railcar, on the date and at the time the shipment clears the U.S. Customs. If the wheat is lost, destroyed, or damaged after loading on board an export carrier, exportation shall be deemed to have been made as of the date of the on-board bill of lading and at the time provided in the carrier's lay-time statement or acceptable similar documents, or the latest date appearing on the loading tally sheet or similar document if the loss, destruction, or damage occurs subsequent to loading aboard carrier but prior to issuance of the on-board bill of lading and lay-time statement: *Provided, however,* That if the "lost" or "damaged" wheat remains in the United States or Canada, it shall be considered as reentered wheat to which the provisions of § 778.5(e) apply.

(h) "Exporter" means an individual, partnership, corporation, association, State agency, municipality or any other legal entity, excluding the United States Government or any Agency thereof.

(i) "General Sales Manager" means the General Sales Manager, Foreign Agricultural Service, or his designee.

(j) "GR–261" means Announcement GR–261, "Terms and Conditions of Contracts for the Acquisition or CCC Wheat for Export," under which exporters acquire wheat for exportation pursuant to a barter transaction, or the CCC Export Credit Sales Program, or any other program under which CCC offers wheat for export at competitive world prices.

(k) "GR–345" means the regulations with respect to the "Wheat Export Program (GR–345)" and any amendments thereto which cover wheat export payments applicable to transactions in several categories including, but not limited to, the following:

(1) Exports pursuant to an offer to export wheat (other than Durum wheat) or a sale made pursuant to the regulations issued under Public Law 480 (83d Congress) as amended, which are eligible for export payment at announced payment rates;

(2) Exports of Durum wheat for export payments based on rates offered by the exporter and accepted by CCC.

(l) "Marketing year" means the twelve months beginning July 1 and ending June 30.

(m) "Public Law 480 or P.L. 480" means the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended. "An export of wheat under Public Law 480" means an export of wheat to a country or a private trade entity which obtains financing for the transaction pursuant to a purchase authorization and the regulations issued under Title I of Public Law 480.

(n) Shipment "to Canada in bond" means a shipment of wheat from the United States to a Canadian port (not on a through bill of lading to a third country) for storage in bond, or storage under a similar arrangement, and subsequent exportation.

(o) "United States" means all the States in the United States, the District of Columbia and Puerto Rico, including any foreign trade zones (i.e., free trade zones) located therein.

(p) "Wheat" means wheat (whether produced in or outside of the United States), as defined in the Official Grain Standards of the United States or any wheat contained in any mixed grain or in any other mixture, which if not contained in such mixture would qualify as wheat under such standards.

(q) "3:30 p.m. and 3:31 p.m." mean 3:30 p.m. and 3:31 p.m. eastern standard time, except that when Washington, D.C., is on daylight saving time, 3:30 p.m. and 3:31 p.m. means 3:30 p.m. and 3:31 p.m. daylight saving time.

§ 778.4 Wheat marketing certificate (export).

(a) *Description.* Wheat Marketing Certificates (export), hereinafter called "export certificates" or "certificates," shall be represented by Form CCC–145, "Wheat Marketing Certificate (export)" issued by CCC or a certificate credit established by CCC in favor of an exporter for certificates purchased from CCC pursuant to these regulations. CCC–145 is a serially numbered form entitled "Wheat Marketing Certificate." A valid CCC–145 certificate will be identified as "export"; will show date of issuance, marketing year for which issued, bushel quantity, face value and name and address of person to whom issued; and will bear the signature of a representative of CCC authorized to sign certificates.

(b) *Sale by CCC.* CCC will sell certificates to exporters and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates, plus such interest as may be required by these regulations. Offers to purchase certificates and payment therefor may be made at the Kansas City ASCS Commodity Office or may be made by deposit of funds to the credit of CCC at the Kansas City Federal Reserve Bank. If certificates are being purchased for a specific exportation of wheat as provided in § 778.5, the exporter shall identify in his offer the wheat to which the certificates are to be applied by indicating the transaction identification number which the Director provided the exporter on receipt of his intention to export as specified in § 778.6. Payment for certificates shall be deemed to have been made when payment is received at the Kansas City ASCS Commodity Office or the Kansas City Federal Reserve Bank, except that if the due date for payment without interest falls on Saturday, Sunday, holiday, or other nonwork day of the Federal Reserve Bank or Commodity Office, and payment is received on the next succeeding workday, it shall be deemed to have been received on the due date. CCC–145 certificates will be issued for certificates sold by CCC, except that in any case where certificates are purchased for a specific exportation of wheat, CCC will credit the purchaser's account in the amount of the certificates purchased in lieu of issuing CCC–145 certificates.

(c) *Negotiability.* CCC–145 certificates may be transferred to any person by endorsement and delivery. A person acquiring certificates by transfer may surrender them to CCC to cover exports of wheat or may sell them to CCC.

(d) *Surrender of certificates to CCC.* Exporters shall discharge their obligation to surrender certificates to CCC by endorsing CCC–145 certificates and delivering them to CCC at the Kansas City ASCS Commodity Office or by making payment to CCC for certificates required for a specific exportation of wheat. Surrender of certificates to CCC shall be deemed to have been made at the time when payment is made for certificates purchased for a specific exportation of wheat or at the time delivery of CCC–145 certificates is made at the Kansas City Commodity Office. If CCC–145 certificates are received in the Kansas City ASCS Commodity Office by mail and a time or date appears on the postmark, delivery shall be deemed to have been made at the time or date which appears on the postmark. Certificates shall be deemed to be cancelled by CCC upon their surrender to CCC.

(e) *Balance certificates.* If CCC–145 certificates delivered to the Kansas City ASCS Commodity Office have a face value in excess of the value of certificates required to be surrendered for the exportation for which the certificates are delivered, CCC will issue CCC–145 certificates to the exporter for the unused balance.

(f) *Purchase by CCC.* Any valid CCC–145 certificates legally held by any person will be purchased by CCC at face value if presented for purchase to the Kansas City ASCS Commodity Office.

§ 778.5 Requirement for export certificates.

(a) *General*—(1) *Requirement for certificates.* Any exporter who exports wheat shall acquire and surrender certificates to CCC prior to export for the wheat so exported except as provided in this section. This requirement shall apply to all wheat exported irrespective of whether the wheat was sold prior to export or was exported prior to sale.

(2) *Cost of certificates.* The cost per bushel of certificates shall be that amount which the Director determines as provided in §§ 778.7, 778.8 and 778.9 will make U.S. wheat generally competitive in the world market, avoid disruption of world market prices and fulfill any applicable international obligations of the United States.

(b) *Exemptions from export certificate requirements.* Notwithstanding the the foregoing, certificates shall not be required in the circumstances specified in subparagraphs (1), (2), and (3) of this paragraph (b).

(1) *Wheat ex-U.S. customs bond.* Certificates shall not be required for wheat produced outside the United States which moves into the United States under customs bond and which is exported without having been withdrawn from bond in the United States. To obtain such an exemption, the exporter must submit to the Director prior to export, an authenticated copy of the customs form evidencing the entry of the wheat into the United States under bond and its withdrawal from customs bond for exportation.

(2) *Donation abroad.* Certificates shall not be required for any wheat exported for donation abroad or for any wheat samples exported without charge to the recipient. To obtain such an exemption, any person wishing to export such wheat shall make application to the Director. The application shall be made in the exporter's report of intention to export as provided in § 778.6(a)(4) and shall include the evidence required in such section that the wheat will be donated abroad. An application is not required on wheat obtained from CCC by voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Agency for International Development and on wheat samples of 100 pounds or less to be exported without charge to the recipient.

(3) *Wheat exported for noncommercial uses.* Certificates shall not be required for wheat exported for noncommercial uses as determined by the Administrator. Any exporter who wishes to petition the Administrator to establish under this part an exception for any such use shall submit to the Administrator a detailed description of the wheat, the use which is to be made of the wheat, the name and address of the person who will make such use, destination of the wheat, and any other information deemed relevant by the exporter and as may be required by the Administrator.

(c) *Undertaking to secure purchase and payment.* Any exporter may export wheat without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into either by using the code word "CERTAG" in the exporter's report of his intention to export made pursuant to § 778.6 or by filing with the Director, prior to the date of export, a properly completed Form CCC–180, "Export Wheat Marketing Certificate Undertaking". If an undertaking has been filed on CCC–180, it shall remain in effect unless the exporter breaches the undertaking or notifies CCC that he wishes to withdraw the undertaking, in which event it shall expire at such time as shall be determined by CCC. By so using the code word "CERTAG" or by filing CCC–180 with the Director, the exporter agrees, in consideration of the privilege of exporting wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat exported on or before the 45th calendar day after the date of exportation or such later date as may be approved by the Director for good cause shown by the exporter.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the date of exportation, the cost of certificates acquired from CCC shall include interest at the rate of 6 percent per annum beginning with the 16th calendar day after the date of export until the date of surrender of the certificates.

(3) If requested by the Director, the exporter will furnish a bond or letter of credit prior to export in such form and in such amount as may be required by the Director to secure the purchase of and payment for the certificates.

(4) The exporter's right to export wheat without having first acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. Any exporter who breaches his undertaking and knowingly exports wheat without first acquiring and surrendering certificates shall be subject to statutory forfeitures and criminal penalties.

(d) *Wheat acquired from CCC under GR–261.* An exporter who exports wheat in satisfaction of his export obligations in connection with an acquisition of wheat under GR–261 at competitive world prices shall not be required to acquire and surrender certificates to CCC.

(e) *Reentry.* If any wheat exported is subsequently reentered into the United States or in the case of an exportation of wheat which had been shipped to Canada in bond and reentered into Canada in bond, the exporter shall be relieved of the requirement to acquire and surrender certificates, if any, as to such wheat. CCC shall refund to the exporter the net amount paid by him for certificates surrendered to CCC on such wheat. If the reentered wheat is reexported or an equivalent quantity of other wheat is exported in replacement of such wheat, the cost of certificates shall be as determined under §§ 778.7, 778.8, and 778.9 as applicable. The exporter shall not be relieved of the requirement to acquire and surrender certificates, if any, on any wheat reentered into Canada which remains in Canada. The foregoing provisions of this paragraph shall not affect any obligation which the exporter may have under GR–345 or GR–261 to pay an adjusted price or any damages as a result of such reentry.

§ 778.6 Report of intention to export.

(a) *Submission of report.* Each exporter shall make a report to the Director of all wheat which he intends to export except that in the case of wheat to be exported under GR–261 the report shall be sent to the Director, Kansas City Commodity Office. The report may be made by telegraph, TWX, teletypewriter or, if the report involves wheat to be exported under Public Law 480, the report may also be made by telephone. Any reports submitted by telephone shall be confirmed in writing immediately thereafter. Each report shall be submitted so that it is received on or before the time of exportation unless an extension of such time is approved in writing by the Director for good cause shown by the exporter.

(1) If the exporter intends to make an exportation of wheat which is not under GR–261 or GR–345, and is not exempt under § 778.5 (b) from export certificate requirements, he shall submit the following as his report:

(i) If export is to be made of wheat (other than Durum wheat and other than wheat exported under Public Law 480) the report shall be as provided in § 778.7.

(ii) If export is to be made of wheat (other than Durum wheat) under Public Law 480, the report shall consist of a Notice of Sale as provided in § 778.8.

(iii) If export is to be made of Durum wheat, the report shall be as provided in § 778.9.

(2) If export of wheat is to be made under GR–345, the report shall consist of the offer required to be made to CCC under such regulations for an exportation in consideration of an export payment by CCC, except as otherwise provided in such regulations.

(3) In case of wheat to be exported under GR–261, the report shall consist of the information contained in the Confirmation of Sale signed by the exporter.

(4) In case exportation is to be made of any other wheat (other than wheat obtained from CCC for donation abroad and wheat samples of 100 pounds or less to be exported without charge to the recipient) the report shall contain the following information:

(i) Name and address of exporter.

(ii) Date exportation is to be made.

(iii) Coast or port of export (specify East, West, or Gulf coast or Great Lakes or St. Lawrence River ports or Puerto Rico or Hawaii).

(iv) Name of ocean carrier or other carrier on which wheat is to be loaded.

(v) Country of destination.

(vi) Net quantity, expressed in bushels.

(vii) Class and grade of the wheat.

(viii) If a sale is made prior to exportation and a Notice of Sale is not filed under other provisions of these regulations (*a*) date of sale; (*b*) sales price on an f.o.b. vessel basis including charges and commission necessary to deliver the wheat f.o.b. vessel; (*c*) name of purchaser; and (*d*) delivery period specified in the contract.

(ix) If the sale is made after exportation and a Notice of Sale is not filed under other provisions of these regulations, the information required to be reported in subparagraph (4) (viii) shall be reported within 15 days after the date of sale unless a later date is approved in writing by the Director.

(x) If the wheat (other than wheat obtained from CCC) is donated or is a wheat sample in excess of 100 pounds to be exported without charge to the recipient (*a*) name of recipient outside the United States; (*b*) method of distribution and use to be made of the wheat; and (*c*) certification that wheat is to be

donated abroad or in the case of wheat samples in excess of 100 pounds a certification that no charge is to be made to the recipient for the wheat exported.

(b) *Transaction identification number.* On receipt of the exporter's report of intention to export, the Director shall provide the exporter a transaction identification number as follows:

(1) In the case of an offer to export wheat in consideration of an export payment under GR–345, except wheat (other than Durum wheat) exported under regulations issued pursuant to Public Law 480, or in the case of an offer to determine a certificate cost under §§ 778.7 and 778.9, such number shall be the number provided in the Director's acceptance.

(2) In the case of an export sale of wheat (other than Durum wheat) for export under regulations issued pursuant to Public Law 480, registered by CCC under GR–345 or under § 778.8, such number shall be the registration number, except that in the case of wheat exported prior to filing a Notice of Sale, such number shall be the Intention to Export Number issued by the Director.

(3) In the case of an export under GR–261, such number shall be the CCC contract number.

(4) In the case of other exports, such number shall be the contract number assigned by CCC if the wheat was acquired from CCC for donations or any special number assigned by the Director in connection with an exporter's report of intention to export.

§ 778.7 Certificate costs and special requirements for exports of wheat other than exports of Durum wheat and other than exports of wheat under GR–261 and P.L. 480.

(a) *General.* (1) The cost of certificates to an exporter on an export of wheat (other than an export of Durum wheat, and other than an export made under GR–261 and Public Law 480) shall be determined by the Director as provided in this section.

(2) Announcement of rates applicable to such wheat shall be made from Washington at approximately 3:31 p.m. daily (except Saturdays, Sundays, and holidays) and shall remain in effect through 3:30 p.m. on the expiration date stated in the announcement. The rates so announced may be of a certificate cost or export payment rate in a specified amount, or of a zero certificate cost and zero export payment rate. Different rates may be announced for different coasts or ports, different classes and qualities of wheat, different destinations and different export periods. Each announcement will also specify the final date of export periods, and any payments for special factors as designated in subparagraph (4) of this paragraph. Announcements will be released through the press, ticker service and will be available at the Kansas City ASCS Commodity Office, and the Office of the General Sales Manager, FAS, located in San Francisco and New York.

(3) An exporter who wishes to export wheat as to which a certificate cost has been announced or as to which neither an export payment or certificate cost has been announced, shall submit to the Director a report of intention to export as provided in paragraph (b) of this section which shall include an offer for the exportation of a class of such wheat from a designated coast of export during a specified export period and shall state the time the exporter wishes the offer to be considered by the Director. Wheat exported pursuant to an offer accepted by the Director shall be subject to the announced rate in effect at the time the offer is submitted for consideration for (i) the class of wheat to be exported, (ii) the coast from which the wheat is to be exported and (iii) the export period within which the wheat is to be exported. Any exporter who wishes to export wheat as to which an export payment has been announced and who wishes to qualify for such payment shall make a report of intention to export which shall consist of an offer as provided in GR–345, and shall comply with the applicable provisions of such regulations. If an exporter wishes to export, without benefit of an export payment, any wheat as to which an export payment has been announced, he shall make a report consisting of an offer as specified in paragraph (b) of this section, stating in the offer his election not to apply for a payment, in which event upon the Director's acceptance of the offer, the exporter shall not be entitled to a payment on the exportation.

(4) In determining certificate costs, allowance shall be made for special factors involving the wheat to be exported (which may include, but are not limited to, carrying charge increments, the quality of the wheat, coast or port of export and method of shipment to such coast or port) as may be specified for such wheat in the announcement of rates described in this paragraph in effect at the time the exporter wishes the offer to be considered. If the allowance for special factors exceeds the announced cost of certificates the offer accepted by the Director shall be considered an agreement by CCC to make an export payment for such excess subject to the exporter's complying with the applicable provisions of this part and GR–345.

(b) *Submission of reports of intention to export wheat*—(1) *Place and time.* An exporter of wheat described in paragraph (a) shall submit to the Director a report of intention to export in writing, such as by telegram, TWX or teletypewriter. Offers contained in reports will be considered at the time the offer is submitted for consideration except that offers will not be considered for acceptance on any Saturday, Sunday, or a National Holiday or any other day specified by the Director in the announcement of rates described in paragraph (a) of this section as a day on which offers will not be considered.

(2) *Form.* A report consisting of an offer to export shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed by the exporter or someone authorized to submit reports on behalf of the exporter and shall state the following:

(i) The report is submitted pursuant to and is subject to the terms and conditions of these regulations. This may be signified by use of the term "EWMCR".

(ii) Time for which the offer contained in the report is submitted for consideration. The time shall be stated either as (a) "before 3:30 p.m." of a specified date, which shall be deemed to refer to the time the rate period ending 3:30 p.m. is in effect, or as (b) "after 3:30 p.m." of a specified date which shall be deemed to refer to the time the rate period beginning 3:31 p.m. of the specified date is in effect. An offer will be considered for acceptance only at the time specified therein and will not be considered at any other time unless the offer is resubmitted.

(iii) Net quantity of wheat to be exported expressed in bushels.

(iv) Class of wheat to be exported.

(v) Export period within which the wheat will be exported (see subparagraph (3) of this paragraph).

(vi) Coast or port of export (specify East, West, or Gulf coast or Great Lakes port, St. Lawrence port or Puerto Rico or Hawaii).

(vii) Name and address of the exporter.

(viii) The code word "CERTAG" if, for this particular transaction, the exporter wishes to make the undertaking as provided for in § 778.5(c) in consideration of the right to export wheat without first having acquired and surrendered certificates.

(ix) Any other requirement as may be provided by the Director in the announcement of rates described in paragraph (a) of this section.

Example. The following represents a report consisting of an offer to acquire certificates to export 100,000 bushels of Hard Red Winter Wheat submitted by John Doe Export Company, Inc.

EWMCR-For consideration before 3:30 p.m. July 6, 1967.[1]
100,000 bushels of Hard Red Winter Wheat.
For export July 6 through December 31 from Gulf coast.
CERTAG
By: John Doe Export Company, Inc.
400 Blank Street,
New York, N.Y.

Signed: Richard Doe, President.

(3) A report consisting of an offer to export shall not specify more than one quantity of wheat, one class of wheat, one coast of export, and one export period except when the Director provides in the announcement specified in paragraph (a) of this section that he will consider offers contained in reports which provide more than one class of wheat, one coast of export or one export

[1] This shall be deemed to refer to the rate period ending 3:30 p.m. July 6, 1967, i.e., 3:31 p.m. July 5, 1967 to 3:30 p.m. July 6, 1967. If the exporter wishes the offer in the report to be considered by the Director in the rate period after 3:30 p.m. on the date specified in the report, then in lieu of "before 3:30 p.m.", the exporter must show "after 3:30 p.m."

period. The designation of class, coast of export and export period shall be made from one of the classes of wheat, coasts of export and export periods specified in the announcement. An exporter may separately submit more than one report for consideration on any stated date.

(4) The Director reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. An offer contained in a report will be considered in its entirety only and an offer containing conditions other than those authorized in this part will not be considered. An offer contained in a report, a modification of an offer or a withdrawal of an offer will not be considered by the Director unless recieved in its entirety by the dispatching telegraph office (if made by telegram) or in the U.S. Department of Agriculture (if otherwise made in writing) before expiration of the rate period during which the exporter wishes the offer to be considered and in the case of a modification or withdrawal before the Director has accepted the offer, except if:

(i) The Director determines that such offer, modification or withdrawal was delayed in transmission through no fault of the exporter.

(ii) The modification is made for the purpose of correcting an error apparent on the face of the report, for the purpose of clarification, or the Director determines that the modification is beneficial to CCC.

(5) A request to modify an offer or withdraw an offer must be submitted in writing, such as by telegram, TWX, or teletypewriter. A telephone request to modify an offer or withdraw an offer will not be considered.

(6) An exporter whose offer is rejected will be notified of such rejection, and reason therefor, by telegram promptly after the offer is considered and rejected by the Director. If the Director determines that, because of special circumstances, a certificate cost at a rate other than the announced rate should be applicable to the proposed exportation, he will state in his notice of rejection the certificate cost which he determines necessary to make the proposed exportation competitive in world markets, avoid disruption of world market prices and fulfill any applicable international obligations of the United States, and afford the exporter an opportunity to agree to such rate.

(c) *Acceptance by the Director.* (1) If the Director accepts an exporter's offer contained in the report, an attempt will be made to notify the exporter by telegraph of the day on which the offer is accepted by the Director. By close of business of such day the Director will forward to the exporter Form CCC–342, "Acceptance of Offer to Export Wheat" which shall constitute the Director's written acceptance of the exporter's offer. The CCC–342 shall contain an acceptance number which the exporter must give in the report consisting of a Notice of Sale as provided in paragraph (d) of this section.

(2) A request by an exporter to amend his offer and for the Director to amend his acceptance of such offer to provide for the exportation of a different class of wheat, or exportation from a different coast of export may be approved subject to such increase in the cost of certificates as may be specified by the Director.

(3) An exporter shall notify the Director promptly in every case where he has not fulfilled the conditions of an offer accepted by the Director.

(d) *Notice of sale of wheat.* The exporter of wheat described in paragraph (a) of this section as to which a certificate cost applies or as to which neither a certificate cost or export payment rate applies shall file a report with the Director consisting of a Notice of Sale within 15 days after the wheat is sold or within 15 days after the date the exporter's offer under paragraph (b) of this section was accepted by the Director, whichever is later, or such later date as may be approved by the Director in writing for good cause shown. The Notice of Sale must contain the same information as required in GR–345 of exporters who wish to receive an export payment on wheat (other than Durum wheat and other than wheat exported under P.L. 480). The Notice of Sale will be acknowledged by telegraph and the exporter furnished a sale number which shall be shown on Form CCC–521, "Report of Wheat Exported" and all correspondence with the Director in reference to the transaction.

(e) *Exportation prior to submission of an offer acceptable to the Director.* An exporter who exports wheat prior to submission of a report of intention to export containing an offer acceptable to the Director must, nevertheless, file a report containing the information as provided for in § 778.6(a)(4) as to the wheat exported, a Notice of Sale as provided in paragraph (d) of this section and a report as provided in § 778.11. Such an exporter shall acquire and surrender certificates to CCC at a cost per bushel in effect at the time of export or at the time of filing the report provided in § 778.6(a)(4), whichever rate of certificate cost is the higher for the then current export period which applies to the class of wheat exported and the coast from which the wheat was exported. If a certificate cost for the wheat involved is in effect at only one of such times, the wheat shall be subject to such cost of certificate. If neither a certificate cost nor an export payment rate is in effect at one of such times and an export payment rate is in effect at the other of such times, such wheat shall neither be subject to certificates nor be eligible for an export payment. If the time of day of export or the time of filing the report is not established, and two different costs applicable to the wheat are in effect on either of such days, the time of export or the time of filing the report, as applicable, will be determined to have occurred at the time the higher of the two costs was in effect. Notwithstanding the foregoing, the Director may specify a certificate cost in a different amount than as determined under the foregoing provisions of this paragraph if he determines that, because of special circumstances, such cost is necessary to make the wheat competitive in the world market, avoid disruption of world market prices and fulfill any applicable international obligations of the United States.

(f) *Loading tolerances.* (1) If an exporter exports or causes exportation of a net quantity of wheat less than the net quantity provided in the exporter's offer and accepted by the Director, he shall be provided a loading tolerance of 5 percent or 50,000 bushels, whichever is the smaller, and shall not be subject to the provisions of paragraph (g) of this section for failure to report the export of a quantity of wheat equivalent to such loading tolerance. If an exporter exports or causes exportation of a net quantity of wheat which is greater than the net quantity provided in the exporter's offer and accepted by the Director, but not greater than such quantity plus a loading tolerance of 5 percent or 50,000 bushels, whichever is the smaller, the provisions of such offer shall apply to the entire quantity exported. If there is an exportation of any excess quantity of wheat, the certificate cost for such excess shall be determined under the other provisions of this section.

(2) At such time as the Kansas City Commodity Office has received Form(s) CCC–521, "Report of Wheat Exported" and evidence of export which support the exportation of a net quantity of wheat as required by the exporter's offer accepted by the Director and the provisions of this part (taking into account any loading tolerance provided in subparagraph (1) of this paragraph) the Director shall regard the exporter as having fulfilled his reporting obligation and Form(s) CCC–521 will not thereafter be accepted for the application of additional quantities against the same offer (unless approved in writing by the Director, for good cause shown by the exporter), even though the additional quantities may be within the tolerance described in subparagraph (1) of this paragraph.

(g) *Exportation not in accordance with an offer accepted by the Director.* Except as provided in paragraph (f) of this section, if an offer has been made as specified in paragraph (b) of this section and accepted by the Director, and an exportation occurs which is not in accordance with such offer, the exporter shall acquire and surrender certificates to CCC at a cost per bushel in such increased amount as the Director determines will make the wheat exported generally competitive in the world market, avoid disruption of world market prices, and fulfill any applicable international obligations of the United States. Exportation in a different period than the export period specified in an offer accepted by the Director will be permitted without any increase in the cost of certificates if the exporter establishes to the satisfaction of the Director before or after such exportation that failure to make the exportation in the export period specified in the offer was due solely to causes with-

out the fault or negligence of the exporter and that no financial advantage has accrued or will accrue to the exporter as a result of such failure.

(h) *Failure to report an export.* Except as provided in paragraph (f) of this section, if the exporter fails to report the export of wheat for which he had made an offer accepted by the Director which provides for the acquisition and surrender of certificates, there shall be allocated to such offer exportations of wheat by the exporter in the same export period, up to the quantity specified in the offer which (prior to any allowance for special factors) would, in the absence of this rule fall within the following description: (1) Exportations which would have the highest export payment rate applicable thereto of any exportations made by the exporter during such period, or (2) to the extent that there are no exportations as provided in subparagraph (1) of this paragraph, exportations which would be neither eligible for an export payment nor subject to the acquisition and surrender of certificates, or (3) to the extent that there are no exportations as provided in subparagraph (1) or (2) of this paragraph, exportations which would be subject to the acquisition and surrender of certificates at the lowest certificate cost applicable thereto of any exportations made by the exporter during such period and at a cost which is less than the certificate cost applicable to the offer against which a report of exportation was not made. To the extent that no exportation as provided in subparagraph (1), (2), or (3) of this paragraph occurs in the same export period, there shall be allocated to the offer, in the manner provided in the foregoing provisions of this paragraph, exportations in the next succeeding export period in which exportations occur as specified in subparagraph (1), (2), or (3) of this paragraph. The exporter will receive the allowance for special factors applicable to the wheat so exported if such allowance was specified in the announcement of certificate costs and payment rates on the day for which the offer was submitted for consideration against which a report of export was not made: *Provided, however,* That if the allowance for special factors exceeds the cost of certificates, the exporter shall not be eligible for an export payment in the amount of such excess, and the allowance for special factors shall not be applicable to the extent, if any, that it reduces the cost of certificates below the cost which would have been applicable to the exportation in the absence of this rule. If the exporter fails to report the exportation of wheat for which he had made an offer accepted by the Director which provides for an exportation without the exporter either acquiring and surrendering certificates or receiving an export payment, there shall be allocated to such offer exportations of wheat by the exporter up to the quantity specified in the offer in the same export period which, prior to any allowance for special factors, would otherwise have the highest export payment rate applicable thereto of any exportation made by the exporter during such period. To the extent there are no exportations by the exporter in the same export period to which an export payment would otherwise be applicable, there shall be allocated to the offer in the manner provided in the preceding sentence exportations in the next succeeding period in which there are such exportations. The exporter shall not, however, be eligible for any allowance for special factors on such exportation. The exporter shall not be subject to the foregoing provisions of this paragraph if he establishes to the satisfaction of the Director that his failure to report the export was due solely to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure.

In addition to the foregoing, the exporter who fails to report an export for causes due to his fault or negligence may be suspended or debarred from participating in programs of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (31 F.R. 4950, March 25, 1966, and any amendments thereto).

§ 778.8 Certificate costs and special requirements for wheat (other than Durum wheat) exported under Public Law 480.

(a) *General.* (1) The cost of certificates per bushel shall be determined by the Director as provided in this section for an exportation of wheat (other than Durum wheat) (i) pursuant to a sale under a purchase authorization issued under Public Law 480, and (ii) pursuant to a dollar sale for which the exporter had received advice from the foreign buyer at or before the time of sale that the importing country expects to obtain financing from CCC under Public Law 480. The provisions of this part applicable to wheat exported under P.L. 480 and to sales of wheat financed under P.L. 480 shall, except where otherwise provided or where the context otherwise requires, apply to a sale as described in item (ii) of this subparagraph even though the importing country does not actually obtain financing under P.L. 480 for the sale. Announcement of rates applicable to such wheat shall be made as provided in § 778.7(a). The rates so announced may be of a certificate cost or export payment rate in a specified amount or of a zero certificate cost and zero export payment rate.

(2) In determining certificate costs, allowance shall be made for special factors involving the wheat to be exported (which may include), but are not limited to, carrying charge increments, the quality of the wheat, coast or port of export and method of shipment to such coast or port) as may be specified for such wheat in the announcement of certificate costs described in § 778.7(a). If the allowance for special factors exceeds the cost of certificates, the offer accepted by the Director shall be considered an agreement by CCC to make an export payment for such excess subject to the exporter's complying with the applicable provisions of this part and GR–345.

(b) *Cost of certificates where Notice of Sale filed prior to export*—(1) *Cost of certificates.* (i) The certificate cost applicable to an exportation of wheat shall be the cost in effect at the time of sale to the foreign buyer or at the time of filing a report of intention to export consisting of a Notice of Sale as required by subparagraph (3) of this paragraph, whichever cost is the higher for the class of wheat to be exported, the coast from which the wheat is to be exported and the export period which covers the delivery period specified in the Notice of Sale.

(ii) If a certificate cost is in effect at either the time of sale or at the time of filing the Notice of Sale and an export payment rate is in effect at the other of such times, such certificate cost shall apply to the sale and the exporter shall not be entitled to the payment rate so announced.

(iii) If neither a certificate cost or export payment rate applicable to the wheat is in effect at the time of sale or time of filing the Notice of Sale and an export payment rate is in effect at the other of such times, the wheat shall neither be subject to the acquisition of certificates or be eligible for an export payment.

(iv) If an export payment rate applicable to the wheat is in effect at both such times, the exporter shall be eligible for an export payment on such wheat upon compliance with the applicable provisions of GR–345.

(2) *Time of sale.* Time of sale shall be determined on the basis of the supporting evidence of sale submitted by the exporter under paragraph (e) of this section and the same factors regarding the time of sale as set forth in provisions of GR–345 relating to determination of payment rates on wheat (other than Durum wheat) exported under Public Law 480 except as hereinafter provided:

(i) If the time of day at which the sale was made is not established and two certificate costs are in effect on such day, the time of sale shall be deemed to occur at the time the higher of the two certificate costs was in effect. If the time of day on which the sale was made is not established and a certificate cost is in effect for a portion of the date of sale and a payment rate or a zero payment rate under GR–345 is in effect for the remainder of the day, the time of sale shall be deemed to have occurred at the time the certificate cost was in effect or if a zero certificate cost and a zero payment rate is in effect for a portion of the day and a payment rate is in effect for the balance of the day, the time of sale shall be deemed to have occurred at the time the zero export payment was in effect.

(ii) If a sale is made through an intermediary, for the purpose of determination of the applicable certificate cost, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had

the exporter been dealing directly with the foreign buyer.

(iii) In any unusual cases involving factors regarding the time of sale other than those enumerated above, an exporter should make a written request for a determination in writing from the Director.

(3) *Notice of Sale.* (i) The exporter shall file with the Director a report of intention to export consisting of a Notice of Sale on all sales transactions involving exports of wheat (other than Durum wheat) under Public Law 480. The information required in the Notice of Sale shall be the same as required to be included in a Notice of Sale filed under GR–345 for wheat (other than Durum wheat) exported under Public Law 480. In addition to providing a basis for determining the cost of certificates, if any, applicable to an export of wheat, the Notice of Sale shall constitute the exporter's request for price approval of the wheat by the General Sales Manager for financing under Public Law 480.

(ii) The time of filing a Notice of Sale shall be determined by reference to the same factors as provided for determining the time of filing a Notice of Sale under GR–345. If the time of filing the Notice of Sale cannot be established and two certificate costs are in effect on the date of filing, the time of filing the Notice of Sale shall be deemed to be the time the higher of the two certificate costs is in effect. If the time of filing the Notice of Sale cannot be established and a certificate cost is in effect for a portion of the date of filing and a payment rate or a zero payment rate is in effect under GR–345 for the remainder of the day, the time of filing the Notice of Sale shall be deemed to be the time the certificate cost was in effect or if a zero certificate cost and a zero payment rate is in effect for a portion of the day and a payment rate is in effect for the balance of the day, the time of filing the Notice of Sale shall be deemed to be the time the zero export payment rate was in effect.

(c) *Cost of certificates on exports prior to filing a Notice of Sale.* An exporter who exports prior to filing a Notice of Sale any wheat (other than Durum wheat) which is to be applied to a sale under P.L. 480 must, nevertheless, file a Notice of Sale as provided in paragraph (b)(3) of this section, and the reports as provided in paragraph (e) of this section and § 778.11. Such an exporter shall acquire and surrender certificates to CCC at a cost per bushel in effect at the time of export, time of sale, or at the time of filing the Notice of Sale, whichever rate of certificate cost is the highest for the current export period which applies to the class of wheat exported and the coast from which the wheat was exported. If a certificate cost for the wheat involved is in effect at only one of such times, the wheat shall be subject to such cost of certificate. If neither a certificate cost nor an export payment rate is in effect on one or more of such times and an export payment rate is in effect on the other of such times, such wheat shall neither be subject to certificates nor eligible for an export payment. If the time of day of export or the time of day of sale or the time of filing the Notice of Sale is not established, and two different costs applicable to the wheat are in effect on any of such days, the time of export, time of sale, or time of filing, as applicable, will be determined to have occurred at the time the higher of the two costs was in effect.

(d) *Notice of Registration.* (1) Upon receipt of a Notice of Sale complying with the applicable provisions of this part and if the price of the wheat is approved for financing under P.L. 480 by the General Sales Manager, the Director will register the sale and will issue a Notice of Registration by telegram which shall constitute the Director's written notice that the sale is registered. Approval of the price by the General Sales Manager is not a condition precedent to the issuance of a Notice of Registration on a dollar sale for which the exporter had received advice from the foreign buyer at or before the time of sale that the importing country expects to obtain financing from CCC under Public Law 480. If the Director determines that the certificate cost, as determined under the foregoing provisions of this section, will not have the effect of making the wheat competitive in the world market, avoid disruption of world market prices and fulfill any applicable international obligations of the United States, the Director shall specify in the Notice of Registration such certificate cost applicable to the wheat as he determines will have such effect.

(2) If the price of wheat is disapproved for financing under P.L. 480 by the General Sales Manager or the Notice of Sale is otherwise unacceptable to the Director, the exporter will be so notified by telegraph and the Notice of Sale will not be registered. If the price of the wheat is disapproved, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to file a report containing a new price which is acceptable to the General Sales Manager. During such 5-day period, the Director will not recognize, for the purposes of this part and for financing under P.L. 480, either a cancellation of the transaction originally reported to the Director or any new sale between the same exporter and foreign buyer in substitution of the original transaction. If a report containing an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent reports containing notification of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purposes of this part and for financing under P.L. 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer shall be considered as a new sale for the purposes of this part and for financing under P.L. 480 and shall be subject to the submission of new reports consisting of a Notice of Sale and evidence of sale. The certificate costs on exports of wheat disapproved for financing under P.L. 480 shall be determined under § 778.7

(3) Upon receipt of the report of intention to export (the Notice of Sale in the case of wheat sold prior to export), which provides for more than one coast of export or more than one class of wheat with the exporter or foreign buyer having the option to select the coast of export or class of wheat, the Director will not issue a Notice of Registration unless otherwise provided in the announcement of certificate costs made pursuant to § 778.7(a) or unless, because of special circumstances, it is determined by him to be in the best interest of CCC.

(4) If a contract between the exporter and the foreign buyer specifies an option(s) (two or more classes of wheat, different coasts of export, or more than one export period) to be exercised by either of the contracting parties and (i) a certificate cost has been announced for a class of wheat, coast of export or export period stated in the Notice of Sale and (ii) an export payment rate under GR–345 has also been announced for a different class of wheat, coast of export, or export period stated in the Notice of Sale, the Notice of Registration may be issued (subject to the provisions of subparagraph (3) of this paragraph) showing the sale has been registered subject to the acquisition of certificates under the regulations in this part or eligible for an export payment under GR–345, depending on the circumstances of the exportation. For example, if a Notice of Sale is filed with the Director for 500,000 bushels to be exported to India and the Notice of Sale contains Hard Red Winter wheat as the basic contract class with an option for Soft Red Winter wheat with both classes to be exported from the Gulf coast, the Notice of Registration may be issued in the following form showing that the transaction is registered under this part and GR–345:

Registered PAF-480.	500,000 bushels.	WN37-16-1..	India.
"REP" (i.e., registered eligible for payment).	Hard Red Winter.	----------	----------
"RLC"----------	Soft Red Winter.	----------	----------

(5) In the telegram of registration the Director may utilize the code letters "RLC" to indicate "Registered Liable for Certificates" or the code letters "NON" to indicate "Not Liable for Certificates nor Eligible for Payment" and the code letters "PAF480" to signify that the price of the wheat has been approved by the General Sales Manager for financing under P.L. 480. The Director will include in the Notice of Registration a registration number which shall be shown on Form CCC–359, "Declaration of Sale" and on Form CCC–521, "Report of Wheat Exported" and in all correspondence with the Director in reference to the transaction.

(6) An exporter shall notify the Director promptly in every case where he is unable to fulfill the conditions of a sale registered by the Director.

(e) *Declaration of sale and evidence of sale.* The exporter shall prepare and submit to the Director a report consisting of Form CCC–359, "Declaration of Sale" and supporting evidence of sale in the same manner and containing the same information as required under GR–345 for exporters who wish to qualify for an export payment on exports of wheat (other than Durum wheat) made under P.L. 480 except that the exporter will include in the Declaration of Sale the cost of certificates per bushel, if any, as determined in accordance with this section in lieu of an export payment rate per bushel.

(f) *Loading tolerances.* A loading tolerance of not to exceed 5 percent more or less is permitted on export sales of wheat for which a Notice of Registration is issued provided such tolerance is specified in the sale between the exporter and foreign buyer, or if no loading tolerance is specified in the sale, a loading tolerance of 1 percent more or less is permitted. If quantities are loaded on vessels, cars, or trucks which are in excess of such loading tolerance, the exporter shall submit as new reports a Notice of Sale, evidence of sale, a Declaration of Sale and Form CCC–521, "Report of Wheat Exported" for the excess quantity loaded. Failure to export the contract quantity less the loading tolerance, if any, shall subject the exporter to the provisions of paragraph (i) of this section for the deficiency in the quantity exported.

(g) *Countries and buyers to which wheat is exported.* (1) The exporter shall report to the Director promptly if (i) the wheat is exported, transshipped or caused to be transshipped to any country other than the country shown in the Declaration of Sale or (ii) if exportation is not to the buyer named in the Declaration of Sale.

(2) If exportation is made to a country other than the country shown in the Declaration of Sale and such exportation is made at the request of the buyer named in the Declaration of Sale in order that the certificate cost will not be adjusted under subparagraph (4) of this paragraph, the exporter must furnish in a report to the Director a certification that such exportation is at the request of the buyer named in the Declaration of Sale, that such exportation constitutes delivery against the exporter's sale to the foreign buyer on which the certificate cost is based and is not in connection with a different sale and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of the sale.

(3) If exportation is made to a consignee or notify party other than the buyer named in the Declaration of Sale in order that the certificate cost will not be adjusted under subparagraph (4) of this paragraph, the exporter must furnish in a report to the Director a certification as required in subparagraph (2) of this paragraph.

(4) If the exporter is unable to furnish the certification as required by subparagraphs (2) and (3) of this paragraph, the Director will determine what increase, if any, need be made in the certificate cost so as to make the wheat competitive in world markets, avoid disruption of world market price and fulfill any applicable international obligations of the United States and will notify the exporter of any increase in the certificate cost which shall apply to the wheat exported.

(h) *Contract amendments and exportations not in accordance with sale registered by the Director.* If the terms and conditions of the exporter's contract with the foreign buyer are changed or if an exportation is made not in accordance with a contract involving wheat as to which a certificate cost applies or a zero certificate cost and zero export payment applies, the Director shall increase the certificate cost applicable to the wheat or impose a certificate cost (if one has not been applicable) to the extent determined necessary to make the wheat generally competitive in the world market, avoid disruption of the world market prices and fulfill any applicable international obligations of the United States. Exportation in a different export period than the export period which covers the delivery period specified in the Notice of Sale may be permitted without any increase in the cost of certificates if the exporter establishes to the satisfaction of the Director before or after such exportation that failure to make the exportation in the export period which covers the delivery period specified in the Notice of Sale was due solely to causes without the fault or negligence of the exporter and that no financial advantage has accrued or will accrue to the exporter as a result of such exportation.

(i) *Failure to export.* (1) Except as provided in paragraph (f) of this section, if an exporter fails to export under a sale covered by a Notice of Registration and involving wheat as to which a certificate cost applies, the exporter shall be subject to the following conditions:

(i) If the importing country acquires from the exporter a quantity of wheat under P.L. 480 in replacement for the wheat which was not exported, the exportation of replacement wheat shall be subject to certificates at a cost equal to the higher of the certificate cost applicable to the sale on which exportation was not made or the certificate cost, if any, applicable to the replacement wheat.

(ii) The exporter shall not be eligible for any export payment which may otherwise apply to the replacement wheat under subparagraph (1)(i) of this paragraph.

(2) Except as provided in paragraph (f) of this section, if an exporter fails to export under a sale covered by a Notice of Registration and involving wheat as to which a zero certificate cost and zero export payment has been established, any wheat acquired under P.L. 480 by the importing country from the exporter in replacement for the wheat not exported shall not be eligible for an export payment under GR–345.

(3) The exporter shall not be subject to the foregoing provisions of this paragraph for failure to export if he establishes to the satisfaction of the Director that the failure to export was due solely to causes without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure.

(4) In addition to the foregoing subparagraphs (1) and (2) of this paragraph, the exporter who fails to export for causes due to his fault or negligence may be suspended or debarred from participating in programs of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (31 F.R. 4950, March 25, 1966, and any amendments thereto).

§ 778.9 Certificate costs and special requirements for Durum wheat including exports under P.L. 480.

(a) *General.* (1) The cost of certificates to an exporter on an export of Durum wheat, including Durum wheat exported under Public Law 480, shall be determined by the director as provided in this section. An exporter who wishes to export Durum wheat shall submit to the Director a report of intention to export which shall include an offer (i) to make an exportation and acquire and surrender certificates to CCC at a cost as specified by him in his report, or (ii) to make an exportation in consideration of an export payment as specified by him in his report, or (iii) to make an exportation without either acquiring and surrendering certificates or receiving an export payment as specified by him in his report.

(2) The Director will accept offers which he determines will make United States Durum wheat generally competitive in the world market, avoid disruption of world market prices, and fulfill any applicable international obligations of the United States. The reports of intention to export shall be as provided in paragraph (b) of this section except as otherwise provided in paragraph (f) of this section and except that a report in which the exporter offers to make an exportation in consideration of an export payment shall be as provided in the applicable provisions of GR–345.

(3) In determining certificate cost, allowance shall be made for special factors involving the Durum wheat to be exported (which may include, but are not limited to, the quality of the Durum wheat, coast or port of export and method of shipment to such coast or port) as may be specified for Durum wheat in the announcement of rates described in § 778.7(a) in effect prior to 3:31 p.m. on the day for which the offer is submitted for consideration. If the allowance for special factors exceeds the cost of certificates contained in the exporter's report of intention to export, the offer accepted by the Director shall be considered an agreement by CCC to make an export payment for such excess subject to the exporter's complying with the applicable provisions of this part and GR–345.

(b) *Submission of reports of intention to export Durum wheat.* (1) *Place and*

time. An exporter of Durum wheat described in paragraph (a) of this section shall submit to the Director a report of intention to export in writing such as by telegram, TWX or teletypewriter. The report must be received in the Department of Agriculture by 3:30 p.m. (see § 778.3(q)) of the day on which the exporter desires the offer contained in the report to be considered by the Director for acceptance. Offers contained in reports will be considered daily, except that offers will not be considered on any Saturday, Sunday, or a National Holiday or any other day specified in the announcement described in § 778.7(a) as a day on which offers will not be considered.

(2) *Form.* A report consisting of an offer to export shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed by the exporter or someone authorized to submit reports on behalf of the exporter and shall state the following:

(i) The report is submitted pursuant to and is subject to the terms and conditions of these regulations. This may be signified by use of the term "EWMCR."

(ii) Date for which the offer contained in the report is submitted for consideration. An offer will be considered for acceptance only on the day specified and will not be considered on any other day unless the offer is resubmitted.

(iii) Such report applies to Durum wheat.

(iv) Net quantity of Durum wheat to be exported expressed in bushels.

(v) Cost of certificates, if any, which the exporter offers to acquire and surrender on the Durum wheat to be exported expressed in whole cents per net bushel, exclusive of any allowance for special factors which may be applicable to the exportation as provided in paragraph (a) of this section.

(vi) Export period within which the Durum wheat will be exported. The designation shall be made from one of the export periods specified for Durum wheat in the announcement of rates applicable to wheat other than Durum wheat.

(vii) Name and address of the exporter.

(viii) The words "West Coast" if the offer is to export Durum wheat from the West Coast or the words "Other Than West Coast" if the offer is to export Durum wheat from the Gulf Coast, East Coast, a Great Lakes port or a St. Lawrence River port.

(ix) The code word "CERTAG" if, for this particular transaction, the exporter wishes to make the undertaking as provided for in § 778.5(c) in consideration of the right to export Durum wheat without first having acquired and surrendered certificates.

(x) Any other requirement as may be provided by the Director in the announcement of rates described in § 778.7 (a).

EXAMPLE. The following represents a report containing an offer to acquire certificates to export 100,000 bushels of Durum wheat during July and August from other than the West coast at a certificate cost of 10 cents per bushel submitted by John Doe Export Co., Inc.

EWMCR—For consideration May 8.
100,000 bushels, Durum wheat.
For export July-August from Other Than West Coast.
Offer 10 cents bushel certificate cost.
CERTAG
By: John Doe Export Co., Inc.,
400 Blank Street,
New York, N.Y.
From: Richard Doe, President.

(3) A report consisting of an offer to export shall not specify more than one quantity of Durum wheat, one certificate cost, if any, one export period and one coastal area of export, except when the Director provides otherwise in the announcement of rates described in § 778.7 (a). An exporter may separately submit more than one report for consideration on any stated date.

(4) The Director reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. An offer contained in a report will be considered in its entirety only and an offer containing conditions other than those authorized in this part will not be considered. An offer contained in a report, a modification of an offer or a withdrawal of an offer will not be considered by the Director if received in the U.S. Department of Agriculture after the closing time for the receipt of offers unless:

(i) The Director determines that such offer, modification or withdrawal was delayed in transmission through no fault of the exporter.

(ii) The modification is made for the purpose of correcting an error apparent on the face of the report, for the purpose of clarification, or the Director determines the modification is beneficial to CCC.

(5) A request to modify an offer or withdraw an offer must be submitted in writing, such as by telegram, TWX, or teletypewriter. A telephone request to modify an offer or withdraw an offer will not be considered.

(c) *Acceptance by the Director.* (1) If the Director accepts an exporter's offer contained in the report, an attempt will be made to notify the exporter by telephone by 4:30 p.m. of the day on which the exporter desires the offer to be considered by the Director. By close of business of such day the Director will forward to the exporter Form CCC–422, "Acceptance of Offer to Export Durum Wheat" which shall constitute the Director's written acceptance of the exporter's offer. The CCC–422 shall contain an acceptance number which the exporter must give in the report consisting of a Notice of Sale as provided in paragraph (d) of this section.

(2) A request by an exporter to amend his offer and for the Director to amend his acceptance of such offer to provide for exportation from a different coastal area may be approved subject to such increase in the cost of certificates as may be specified by the Director.

(3) An exporter shall notify the Director promptly in every case where he has not fulfilled the conditions of an offer accepted by the Director.

(d) *Notice of Sale of Durum wheat.* (1) Sales other than under P.L. 480. The exporter of Durum wheat described in paragraph (a) of this section as to which a certificate cost applies or as to which neither a certificate cost or export payment applies shall file a report with the Director consisting of a Notice of Sale within 15 days after the Durum wheat is sold or within 15 days after the date the exporter's offer under paragraph (b) of this section was accepted by the Director, whichever is later, or such later date as may be approved by the Director in writing for good cause shown. The Notice of Sale must contain the same information as required in GR–345 of exporters who wish to receive an export payment on Durum wheat. The Notice of Sale will be acknowledged by telegraph and the exporter furnished a sale number which shall be shown on Form CCC–521, "Report of Wheat Exported" and all correspondence with the Director in reference to the transaction.

(2) *Sales financed under P.L. 480.* In the case of a sale of Durum wheat under Public Law 480, the exporter shall file with the Director a report consisting of a Notice of Sale containing the same information as required by § 778.8(b) (3). Promptly after receipt of an acknowledgement of the Notice of Sale stating that the price of the wheat is approved by the General Sales Manager for financing under Public Law 480, the exporter must furnish (i) the Durum acceptance number of the offer made pursuant to § 778.9 (b) and (ii) as reports Form CCC–359, "Declaration of Sale" together with supporting evidence of sale as provided in § 778.8(e). The use of the code letters "PAF480" in the acknowledgement by the Director will signify that the price of the wheat has been approved by the General Sales Manager for financing under P.L. 480. If the price of the Durum wheat is disapproved by the General Sales Manager or the Notice of Sale is otherwise unacceptable to the Director, the exporter will be notified accordingly. If the price of the Durum wheat is disapproved, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to file a report containing a new price acceptable to the General Sales Manager. During such 5-day period, the General Sales Manager will not recognize, for the purpose of financing under P.L. 480, a report representing a new sale between the same exporter and foreign buyer in substitution of the original transaction. If a report containing an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent reports of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purpose of financing under P.L. 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer

shall be considered as a new sale for the purpose of financing under P.L. 480 and shall be subject to the exporter's submission of new reports consisting of a Notice of Sale and evidence of sale.

(e) *Loading tolerances.* (1) If an exporter exports or causes exportation of a net quantity of Durum wheat less than the net quantity provided in the exporter's offer and accepted by the Director, he shall be provided a loading tolerance of 5 percent or 50,000 bushels, whichever is the smaller, and shall not be subject to the provisions of paragraph (h) of this section for failure to report the export of a quantity of Durum wheat equivalent to such loading tolerance. If an exporter exports or causes exportation of a net quantity of Durum wheat which is greater than the net quantity provided in the exporter's offer and accepted by the Director, but not greater than such quantity plus a loading tolerance of 5 percent or 50,000 bushels, whichever is the smaller, the provisions of such offer shall apply to the entire quantity exported. If there is an exportation of any excess quantity of Durum wheat, the certificate cost for such excess shall be determined under the other provisions of this section.

(2) At such time as the Kansas City Commodity Office has received Form(s) CCC–521, "Report of Wheat Exported" and evidence of export which support the exportation of a net quantity of Durum wheat as required by the exporter's offer accepted by the Director and the provisions of this part (taking into account any loading tolerance provided in subparagraph (1) of this paragraph), the Director shall regard the exporter as having fulfilled his reporting obligations and Form(s) CCC–521 will not thereafter be accepted for the application of additional quantities against the same offer (unless approved in writing by the Director, for good cause shown by the exporter) even though the additional quantities may be within the tolerance described in subparagraph (1) of this paragraph.

(f) *Exportation prior to submission of an offer acceptable to the Director.* An exporter who exports Durum wheat prior to submission of a Report of Intention to Export which contains an offer acceptable to the Director must, nevertheless, file a report containing the information as provided for in § 778.6(a)(4) as to the wheat exported, a Notice of Sale provided in paragraph (d) of this section and a report as provided in § 778.11. Such exporter shall acquire and surrender certificates to CCC at a cost per bushel which the Director determines will make the Durum wheat competitive in the world market, avoid disruption of world market prices and fulfill any applicable international obligations of the United States.

(g) *Exportation not in accordance with an offer accepted by the Director.* Except as provided in paragraph (e) of this section, if an offer has been made as specified in paragraph (a) of this section and accepted by the Director, and an exportation occurs which is not in accordance with such offer, the exporter shall acquire and surrender certificates to CCC at a cost per bushel in such increased amount as the Director, after taking into consideration prices on the date of export and the date of sale and other relevant factors, determines will make the Durum wheat exported generally competitive in the world market, avoid disruption of world market prices, and fulfill any applicable international obligations of the United States. Exportation in a different period than the export period specified in an offer accepted by the Director will be permitted without any increase in the cost of certificates if the exporter establishes to the satisfaction of the Director before or after such exportation that failure to make the exportation in the export period specified in the offer was due solely to causes without the fault or negligence of the exporter and that no financial advantage has accrued or will accrue to the exporter as a result of such failure.

(h) *Failure to report an export.* Except as provided in paragraph (e) of this section, if the exporter fails to report the export of Durum wheat for which he had made an offer accepted by the Director which provides for the acquisition and surrender of certificates or which provides for neither the acquisition and surrender of certificates nor an export payment under GR–345, exportations of Durum wheat by the exporter shall be allocated to such offer in the manner provided in § 778.7(h).

§ 778.10 Clearance on exportation or shipment from the United States.

(a) *Wheat exported or shipped from the United States.* As part of the reporting requirements of these regulations, the exporter shall furnish to the Bureau of Customs at the point of export from the United States or shipment to Canada in bond of any wheat, one copy of the on-board vessel bill of lading or if the exportation or shipment is by rail or truck one copy of the bill of lading or manifest showing the quantity exported or shipped. This copy of the bill of lading or manifest (except in the case of wheat shipped to Canada in bond) shall show the transaction identification number which the Director provided the exporter on receipt of the report of intention to export as specified in § 778.6. In the case of wheat samples of 100 pounds or less exported without charge to the recipient, the exporter shall use the code number "EX–100" as the transaction identification number. In the case of wheat shipped to Canada in bond, the exporter shall use the code number "CBS–100" as the transaction identification number. The copy of the bill of lading or manifest containing the transaction identification number will be transmitted by the Bureau of Customs to CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the wheat referred to in the bill of lading or manifest.

(b) *Exports of wheat shipped to Canada in bond.* A copy of Canadian Government Form B–14, "Customs Canada—Entry for Export Ex-Safference Warehouse," obtained from the Canadian Customs Service will be used by CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the exportation from Canada of wheat which had been shipped to Canada in bond.

§ 778.11 Reports of wheat shipped to Canada in bond and reports of wheat exported.

(a) *Report of wheat shipped to Canada in bond.* The exporter shall submit to the Kansas City Commodity Office not later than 30 days after each shipment of wheat to Canada in bond, or such later date as may be approved in writing by the Director of the Kansas City Commodity Office for good cause shown by the exporter, Form CCC–521, "Report of Wheat Exported", covering such shipment. The report shall show:

(1) Date of shipment from United States port.
(2) Net bushels shipped.
(3) Port of shipment.
(4) Name of vessel, or other carrier identification.
(5) Name and address of exporter.
(6) Date of report.
(7) Signature of an authorized official of the exporter.
(8) Enter in Item 4, "Shipment to Canada in bond for exportation at a later date."

(b) *Report of wheat exported.* On all wheat exported (except in the case of exports under GR–261, donations abroad, other non-commercial exports of wheat and wheat samples exported without charge to the recipient), the exporter shall submit to the Kansas City Commodity Office not later than 15 days after exportation or such later date as may be approved in writing by the Director for good cause shown, an original and two copies of Form CCC–521, "Report of Wheat Exported" (1966 and Subsequent Marketing Years), together with the same supporting evidence of export as provided in GR–345 for exporters who wish to make application for an export payment on the same class of wheat. The exporter shall, when requested by the Director, furnish a copy of the export vessel's lay-time statement or other acceptable documents which will identify the exact time the vessel completed loading. If any documentary evidence of export covers more than the net quantity of wheat for which a CCC–521 is submitted and such documentary evidence is to be used as evidence of export of such excess quantity in connection with a different CCC–521, the documentary evidence of export shall be accompanied by a statement certified by the exporter identifying all the CCC–521's for which the document is being submitted and the quantity applicable to each form. Supplies of CCC–521 and detailed instructions regarding the preparation and submission of the form may be obtained from the Kansas City Commodity Office.

§ 778.12 Penalties.

(a) *Violation of marketing restrictions—forfeitures.* Any person who

knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any of the provisions of these regulations with regard to the acquisition and surrender of certificates prior to export shall be subject to section 3791(a) of the Agricultural Adjustment Act of 1938 which provides for the forfeiture to the United States by such person of a sum equal to two times the face value of the certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

(b) *Violation of market restrictions; failure to make reports or maintain records—criminal penalties.* Any person except a producer in his capacity as a producer, who knowingly violates or attempts to violate or who knowingly participates or who knowingly aids in the violation of any provision of the regulations of this part governing the acquisition, disposition or handling of certificates or who knowingly fails to make any report or keep any record as required by these regulations shall be subject to the provisions of section 3791(b) of the Agricultural Adjustment Act of 1938 which states that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five thousand dollars for each violation.

(c) *Fraudulent use of marketing certificates.* Any person who falsely makes, issues, alters, forges or counterfeits any certificate, or with fraudulent intent possesses, transfers, or uses such falsely made, issued, altered, forged or counterfeited certificates, shall be subject to the provisions of section 3791(d) of the Agricultural Adjustment Act of 1938 which states that such person shall be deemed guilty of a felony and upon conviction thereof shall be subject to a fine of not more than ten thousand dollars or imprisonment of not more than ten years, or both.

§ 778.13 Records.

Each exporter shall establish and maintain accurate records as to all exportations of wheat made on and after the effective date of these regulations and to support the reports made under the regulations of this part. Such records shall include, but shall not be limited to, export sales contracts or other agreements with the foreign buyer pursuant to which any such exportation was made; bills of lading or delivery documents evidencing all such exportations and inspection and weight certificates relating thereto. Such records shall be available during regular business hours for inspection and audit by authorized employees of the USDA and shall be preserved for three years after the date of export to which they relate.

§ 778.14 Payments in dispute.

The making of a payment to CCC for certificates or the surrender of certificates to CCC by an exporter shall not deprive the exporter of any right which he might otherwise have to assert a claim in the event of a dispute as to the cost or number of certificates required to be acquired and surrendered by him to CCC.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Effective date. This part 778 shall become effective at 3:31 p.m., e.s.t. on October 30, 1967.

Signed at Washington, D.C., on October 20, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-12570; Filed, Oct. 20, 1967; 3:01 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.20]

PART 873—SUGARCANE: FLORIDA

1967 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on June 20, 1967, the following determination is hereby issued:

§ 873.20 Fair and reasonable prices for the 1967 crop of Florida sugarcane.

A producer of sugarcane in Florida who is also a processor of sugarcane, to which this section applies as provided in paragraph (g) of this section (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1967 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price of raw sugar" means (i) the weighted average price of raw sugar for the months in which 1967-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1967-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(5) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(6) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(7) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(8) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane.

(9) "Average percent crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis in accordance with standard procedures.

(10) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(11) "Factory crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis.

(12) "Average percent sample mill juice sucrose" means the percentage of sucrose solids in juice extracted from samples of each producer's sugarcane by the sample mill.

(13) "Factory normal juice Brix" means the percentage of soluble solids in undiluted juice extracted from sugarcane by a mill tandem as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(14) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted crusher juice as determined by direct analysis.

(15) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(16) "State office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

(17) "State committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.09 per ton for each 1-cent per pound of the season's average price of raw sugar.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State office.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(d) *Molasses payment.* The processor shall pay to the producer for each ton of net sugarcane grown an amount equal to the product of 5.9 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis, f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1968. If the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this paragraph be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

(e) *General.* (1) The price for sugarcane established by this section is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(2) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1966-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(3) Nothing in subparagraph (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(5) The processor shall submit to the State office for approval (i) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (ii) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

(f) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(g) *Applicability.* The requirements of this section are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 821.1) of this chapter; and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

(h) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(i) *Processor mill procedures and checking compliance.* The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, average percent sample juice sucrose, and other related mill procedures and required reports are set forth in Handbook 9–SU entitled "Sampling, Testing, and Reporting for Florida Sugar Processors," copies of which have been furnished each processor. The procedures to be followed by the ASCS State office in checking compliance with the requirements of this section are set forth under the heading "Fair Price Compliance" in Handbook 4–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbooks 9–SU and 4–SU may be inspected at county ASCS offices and copies may be obtained from the Florida ASCS State Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1967 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for a public hearing.

(c) *1967 price determination.* This determination continues the provisions of the prior determination, except for the inclusion of certain definitions pertinent to computing settlements for sugarcane, and interpretations and explanations of the price requirements.

A public hearing was held in Belle Glade, Fla., on June 20, 1967, at which interested persons were afforded the opportunity to present testimony and recommendations on fair and reasonable prices for 1967-crop sugarcane. A witness testifying on behalf of the U.S. Sugar Corp. recommended that the processor be permitted to pass along to the producer his pro rata share of the cost of storing raw sugar and any other unusual handling charges which are clearly beyond the control of the processor. The witness stated that the benefits of the company's long-term contract with the refiner accrue equally to the producer and processor; that the company's only desire is to settle with the producer on exactly the same basis as the company receives payment for its raw sugar; and that recent changes in the sharing ratio have all been in favor of the producer and at the expense of the processor. He also stated that ample precedence for pro rata sharing of storage costs exists in that such a provision was included in the 1954 price determination. The witness further testified that if it was determined that storage and handling charges should be shared with the producer, in whole or in part, and in that event compensated for by a change in the sharing ratio, then he would prefer that the sharing ratio not be changed.

A witness testifying on behalf of Osceola Farms Co. recommended that the alternative method of determining the season's average price of raw sugar be modified so as to permit its use by a processor who has one or more contracts with one or more refiners or brokerage firms, provided such contracts were in existence prior to the start of the grinding season.

Consideration has been given to the recommendations presented at the hearing; to data on the returns, costs, and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of conditions likely to prevail for the 1967 crop; and to other pertinent factors. This analysis indicates that the cost-returns sharing relationship on average appears to have become more favorable to the processor in recent years. This has been due largely to more efficient milling operations while cane production has improved at a slower rate. Further consideration and study of the factors involved are proposed in the near future.

The recommendations of processors that producers share pro rata in the cost of storing raw sugar and unusual handling costs and that the alternative method of determining the season's average price be modified to permit its use by processors who have contracts with more than one refiner or broker have not been adopted. Storage and handling costs associated with the production and marketing of raw sugar are properly a processing cost and such costs have been considered in the development of the pricing factor for sugarcane.

The purpose of relating sugarcane settlements to the average New York price of raw sugar during the period sugar is sold by processors is to provide recognized market price quotations as a protection to both processors and producers.

This determination provides that the molasses payment to producers is to be based on 5.9 gallons of blackstrap molasses per net ton of sugarcane, the same as last year. There has been no change in the 5-year average recovery of molasses from sugarcane.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, Stat. 929; 7 U.S.C. Sup. 1131, as amended)

Effective date. This determination shall become effective on October 25, 1967, and is applicable to the 1967 crop of Florida sugarcane.

Signed at Washington, D.C., on October 20, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-12504; Filed, Oct. 24, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1967–68 Fiscal Year

Notice was published in the October 5, 1967, issue of the FEDERAL REGISTER (32 F.R. 13870) regarding a proposal to establish free and restricted percentages applicable to filberts grown in Oregon and Washington for the 1967–68 fiscal year beginning August 1, 1967. The percentages are based on recommendations of the Filbert Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish free and restricted percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free and restricted percentages for merchantable filberts during the 1967–68 fiscal year are established as follows:

§ 982.217 Free and restricted percentages for merchantable filberts during the 1967–68 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1967:

Free percentage	61
Restricted percentage	39

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during such year; and (2) the current fiscal year began on August 1, 1967, and the percentages established herein will automatically apply to all such filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 19, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-12564; Filed, Oct. 24, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

In order to revise the method by which exporters enter into contracts with the Commodity Credit Corporation for export payments on exports of wheat other than exports of Durum wheat and other than exports of wheat under Public Law 480, and to make miscellaneous changes in the program regulations, the Wheat Export Program (GR–345) Terms and Conditions (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, 12067, 15115, 30 F.R. 532, 4531, 8898, 31 F.R. 4728, 9719, 10072, 11450 and 32 F.R. 6257) are hereby revised to read as follows:

GENERAL

Sec.
1483.101 General statement.
1483.102 General conditions of eligibility.
1483.103 Financial responsibility.
1483.104 Announcement of rates and export periods.
1483.105 Transactions eligible for payment.
1483.106 Definition of terms.

EXPORT PAYMENTS ON WHEAT OTHER THAN DURUM WHEAT

(NON-P.L. 480)

1483.110 General.
1483.111 Submission of offers.
1483.112 Acceptance of offers.
1483.113 Notice of Sale.
1483.114 Wheat exported prior to submission of offer acceptable to CCC.
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EXPORT PAYMENTS ON WHEAT (OTHER THAN DURUM WHEAT) EXPORTED UNDER PUBLIC LAW 480

1483.130 General.
1483.131 Notice of Sale.
1483.132 Notice of registration.
1483.133 Determination of export payment rates.
1483.134 Determination of time of sale.
1483.135 Declaration of sale and evidence of sale.
1483.136 Wheat exported prior to filing a notice of sale.
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1483.138 Contract amendments.
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EXPORT PAYMENTS ON DURUM WHEAT

1483.150 General.
1483.151 Submission of offers.
1483.152 Acceptance of offers.
1483.153 Notice of sale of Durum wheat including Durum wheat to be exported under P.L. 480.
1483.154 Durum wheat exported prior to submission of offer acceptable to CCC.
1483.155 Loading tolerance.
1483.156 Exportation requirements.

DOCUMENTS REQUIRED FOR EXPORT PAYMENTS

1483.161 Report of wheat exported.
1483.162 Export payments.
1483.163 Evidence of export.

CCC SALES OF WHEAT FOR EXPORT

1483.170 Submission of offers.
1483.171 Creation of contracts.
1483.172 Price.
1483.173 Payment terms and financial arrangements.

Sec.
1483.174 Delivery.
1483.175 Specifications.
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1483.177 Evidence of export.
1483.178 Adjusted contract price.
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MISCELLANEOUS PROVISIONS

1483.181 Covenant against contingent fees.
1483.182 Performance security.
1483.183 Assignments and setoffs.
1483.184 Records and accounts.
1483.185 Place of submission of offers and reports.
1483.186 Additional reports.
1483.187 ASCS offices and General Sales Manager offices.
1483.188 Officials not to benefit.
1483.189 Amendment and termination.
1483.190 Written approval by the Vice President, Director or Contracting Officer.

AUTHORITY: The provisions of this Subpart C are issued under authority of secs. 4 and 5, 62 Stat. 1070 and 1072; sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1427.

GENERAL

§ 1483.101 General statement.

(a) This subpart contains the regulations governing the Wheat Export Program of Commodity Credit Corporation (hereinafter referred to in this subpart as "CCC") under which an exporter of wheat produced in the United States may obtain an export payment and under which wheat from CCC stocks may be made available for export at market prices (without an export allowance) as determined by CCC and when exported may qualify for an export payment.[1] The program is designed to (1) assure that U.S. wheat is generally competitive in world markets, (2) avoid disruption of world market prices, (3) fulfill the international obligations of the United States, (4) aid the price support program by strengthening the domestic market price to producers, (5) reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, and (6) promote the orderly liquidation of CCC stocks. This program will be administered by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture. Information pertaining to the program may be obtained from one of the offices listed in § 1483.185 or § 1483.187.

§ 1483.102 General conditions of eligibility.

(a) An exporter who wishes to qualify for an export payment under these regulations shall submit an offer to export wheat as provided in this subpart. Export payments on Durum wheat shall be based on the export payment rate contained in an offer submitted to and accepted by CCC; export payment rates on other classes of wheat shall be based on rates announced by CCC. Rates payable by CCC shall be in such amounts as CCC determines will make wheat competitive in world markets, avoid disruption of world market prices and fulfill any applicable international obligations of the United States. The offer submitted by the exporter and its acceptance by CCC shall constitute a contract under which the exporter agrees to export the quantity of wheat to which the offer relates in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart. Payment under this subpart will be made to an exporter on the net quantity of wheat exported in accordance with his contract with CCC.

(b) An exportation of wheat produced outside the United States or of a mixture of wheat which contains wheat produced outside the United States is not eligible for an export payment under this subpart. However, if the Director determines that such a mixture is exported unintentionally, payment may be made on that portion of the mixed wheat which, it is established to his satisfaction, was produced in the United States.

(c) An export of wheat grading sample because of total damage of 30 percent or more, or because it is musty, sour, heating or unfit for human consumption shall not be eligible for an export payment under this subpart. An export of wheat grading sample because of other factors shall not be eligible for an export payment if CCC determines that such export is not in the best interests of the program.

(d) To be eligible for an export payment under this subpart, the exporter shall submit a Form CCC–521, "Report of Wheat Exported" which constitutes an application for payment under this subpart, supported by documentary evidence of export, as required in § 1483.163, which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other Form CCC–521, (2) any other export program under which CCC has made or has agreed to make an export allowance, or (3) any other export program which involves the acquisition of wheat from CCC for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding (i) a bill of lading or other documentary evidence of exportation filed under this subpart from being used as evidence in connection with proof of export required in another export program of CCC, including barter transactions, if CCC determines that such use will not result in any duplication of an export payment or allowance, or (ii) the exportation of wheat under this program pursuant to sales under P.L. 480, or (iii) the use in support of a Form CCC–521 of documentary evidence of export which is submitted under § 1483.177 in connection with purchases of wheat from CCC under this subpart.

(e) Exportation of wheat by or to a United States Government agency as defined in § 1483.106(q) shall not qualify as an exportation for the purpose of this subpart.

§ 1483.103 Financial responsibility.

CCC reserves the right if it does not have adequate information as to the financial ability of the offeror to meet the obligations he would incur in this subpart (a) to refuse to consider an offer to purchase CCC wheat for export or (b) to refuse to consider an offer or to register a sale to export wheat for an export payment. If a prospective offeror is in doubt as to whether CCC has adequate information as to his financial responsibility, he should either submit a financial statement to the ASCS Commodity Office prior to making an offer to purchase CCC wheat for export (see § 1483.187), or communicate with such office or with the office specified in § 1483.185 prior to making an offer to export wheat for an export payment under this subpart to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by the offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted the offeror will comply with the applicable provisions of this subpart and will furnish a performance bond or other performance security acceptable to CCC.

§ 1483.104 Announcement of rates and export periods.

Export payment rates will be announced from Washington, D.C., at approximately 3:31 p.m. (see §1483.106(t)), and will remain in effect through 3:30 p.m., on the expiration date stated in the announcement. Different payment rates may be announced for different coasts or ports of export, classes and qualities of wheat, destinations and export periods. Each announcement will also specify the final date of exportation of wheat covered by offers and Notices of Sale which are submitted during the period the announced rate is in effect, export periods for Durum wheat, and any payments for special factors. Announcements will be released through the

[1] The Export Wheat Marketing Certificate Regulations (7 CFR Part 778) issued by the Secretary under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1379 a to j) provide requirements for the acquisition of export wheat marketing certificates in an amount determined on a daily basis to make wheat competitive in the world market, avoid disruption of world market prices and fulfill the international obligations of the United States. Export marketing certificates are not required for wheat exported when it is determined that prices of wheat are in excess of world prices and export payments are made under these regulations. The Export Wheat Marketing Certificate Regulations also provide requirements for reports of wheat inded to be exported and subsequently ftroe tended to be exported and subsequently for reports of wheat actually exported pursuant to commercial sales (including sales under P.L. 480). Whenever an exporter submits an offer to export wheat under this subpart he has complied with the requirements in the Export Wheat Marketing Certificate Regulations to furnish the Director a notice of his intention to export such wheat. If an exporter wishes to export wheat without benefit of an export payment he nonetheless must submit such reports of the wheat he intends to export and reports of the wheat exported as required by the Export Wheat Marketing Certificate Regulations.

press, ticker service, and will be available at the Agricultural Stabilization and Conservation Service Office at Kansas City, Missouri, and the Office of the General Sales Manager, Foreign Agricultural Service, located in San Francisco and New York. (See § 1483.187.)

§ 1483.105 Transactions eligible for payment.

CCC will consider as eligible for an export payment an exportation which otherwise meets the requirements of this subpart if such exportation is pursuant to a commercial sales transaction between an exporter and a buyer as follows: (a) A sale for dollars (other than a sale as described below); (b) a sale under Public Law 480; (c) a sale financed under the CCC Export Credit Sales Program regulations; (d) a sale for exportation under the Barter Program Terms and Conditions involving wheat acquired from private stocks as defined in such terms and conditions; (e) a sale financed with funds authorized by the Agency for International Development; and (f) such other sales as may be determined by CCC to be in the interest of the program: *Provided*, That no sale shall be eligible for an export payment unless the documentary evidence of export satisfies the requirements of § 1483.102 (d). CCC will determine from the information given by the exporter in his Notice of Sale made pursuant to §§ 1483.113, 1483.131 and 1483.153 as to the category of each sales transaction. After a Notice of Sale is transmitted to CCC and CCC has registered the sale pursuant to § 1483.132 or has issued a transaction number pursuant to §§ 1483.113 or 1483.153 a request by the exporter to change the category of the sale will not be approved unless, because of special circumstances, it is determined by the Director to be in the best interest of CCC.

§ 1483.106 Definition of terms.

As used in this subpart and in announcements, forms and documents pertaining hereto, the terms defined in this section shall have the following meaning unless the context otherwise requires:

(a) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(b) "Certificate" means an Export Commodity Certificate, Form CCC–341.

(c) "Contracting Officer" means a Contracting Officer, CCC, to whom the Director has delegated the function for which a Contracting Officer has responsibility under this subpart.

(d) "Day" means calendar day.

(e) "Designated country" means any destination outside the United States, excluding Puerto Rico and any country or area for which an export license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for exportation or transshipment thereto has been obtained from such bureau.

(f) "Director" means the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee.

(g) "Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat produced in the United States (excluding Alaska and Hawaii) destined to a designated country, (1) from the United States, or Puerto Rico or (2) from a Canadian port on the St. Lawrence River if the wheat had been moved from the United States via the Great Lakes and its identity had been preserved until shipped from Canada. The wheat shall be deemed to have been exported on the date of the applicable on-board bill of lading and at the time provided in the ocean carrier's lay-time statement or acceptable similar document, or if shipment to the designated country is by truck or railcar, on the date and the time the shipment clears the U.S. Customs. If the wheat is lost, destroyed, or damaged after loading on board an export carrier, exportation shall be deemed to have been made as of the date of the on-board bill of lading and at the time provided in the carrier's lay-time statement or acceptable similar documents, or the latest date and time appearing on the loading tally sheet or similar document if the loss, destruction, or damage occurs subsequent to loading aboard carrier but prior to issuance of the on-board bill of lading and lay-time statement: *Provided, however*, That if the "lost" or "damaged" wheat remains in the United States (including Puerto Rico), it shall be considered as reentered wheat. If wheat exported from Canada is reentered into Canada and subsequently reexported, or an equivalent quantity of other wheat is exported in replacement of such wheat, the wheat shall be considered as having been exported at the time of the reexportation and not at the time of the original exportation. Exportation by or to a U.S. Government agency shall not qualify as an exportation under the provisions of this subpart.

(h) "Exporter" means a person who is engaged in the business of buying and selling wheat for export, maintains a bona fide business office for such purpose in the United States, and has an agent in such office upon whom service of process may be had.

(i) "Export marketing certificate" means an export wheat marketing certificate required by the Export Wheat Marketing Certificate Regulations (29 F.R. 7867 and any amendments thereto) to be purchased and surrendered to CCC by persons exporting wheat.

(j) "General Sales Manager" means the General Sales Manager, Foreign Agricultural Service, or his designee.

(k) "Ocean carrier" means the vessel on which wheat is exported under this program from the United States, Puerto Rico or Canada, excluding any vessel on which wheat is shipped between the United States, Puerto Rico or Canada.

(l) "Official inspection certificate" means a certificate issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 which shows the grade of the wheat determined in accordance with the Official Grain Standards of the United States.

(m) "Official weight certificate" means a weight certificate issued:

(1) By Chambers of Commerce, Boards of Trade, Grain Exchange, State Weighing Departments, or other organizations having qualified, independent, impartial, paid employees stationed at elevators, or

(2) On authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, supervising weighmaster employed by one of the above organizations.

(n) "Person" means an individual, partnership, corporation, association or other legal entity.

(o) "Sales under Public Law 480" or "P.L. 480" means sales for foreign currencies or sales for dollars pursuant to a purchase authorization and the regulations issued under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended.

(p) "United States," unless otherwise qualified, means all of the 50 States.

(q) "United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army, Navy and Air Force Exchange Services and the Panama Canal Company. Sales of wheat to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government Agency, provided such wheat is not for transfer to a U.S. Government Agency.

(r) "Vice President" means the Executive Vice President of the Commodity Credit Corporation who is the Administrator of the Agricultural Stabilization and Conservation Service, or his designee.

(s) "Wheat" means wheat which is grown in the United States and which meets the definition of wheat in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage shown on the inspection certificate issued at the time of loading for export.

(t) "3:30 p.m. and 3:31 p.m." mean 3:30 p.m. and 3:31 p.m. eastern standard time, except that when Washington, D.C., is on daylight saving time, 3:30 p.m. and 3:31 p.m. means 3:30 p.m. and 3:31 p.m. daylight saving time.

EXPORT PAYMENTS ON WHEAT OTHER THAN DURUM WHEAT

(NON-PUBLIC LAW 480)

§ 1483.110 General.

(a) An exporter who wishes to receive an export payment under this subpart on an export of wheat (other than an export of Durum wheat and other than an export made pursuant to a sale under P.L. 480) shall submit an offer as provided in § 1483.111 for exportation of a class of such wheat from a designated coast of export during a specified export period to any designated country (see § 1483.106(e)). Except as provided in § 1483.114(d), the export payment rate shall be the announced rate in effect at the time the exporter wishes the offer to be considered by CCC which applies to the (1) class of wheat, (2) coast of export and (3) export period specified in such offer.

(b) An export payment will not be made on any exportation of wheat unless CCC has received a Notice of Sale covering such wheat and the price of the wheat is consistent with any applicable international obligations of the United States. CCC will acknowledge the Notice of Sale by giving to the exporter notification of a sale number assigned to such exportation.

(c) The wheat must be exported to a designated country and must not be transshipped or caused to be transshipped by the exporter to any other country.

§ 1483.111 Submission of offers.

(a) An offer for the exportation of wheat described in § 1483.110 shall be submitted in writing, such as by telegram, TWX, or teletypewriter, to the office specified in § 1483.185. Offers will be considered by CCC at the time the offer is submitted for consideration except that offers will not be considered for acceptance on Saturday, Sunday, or a National Holiday, or any other day specified by CCC in its announcement of export payment rates issued pursuant to § 1483.104 as a day on which offers will not be considered for acceptance.

(b) *Form.* An offer shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed by the exporter or someone authorized to make contracts on behalf of the exporter and shall state the following:

(1) The offer is subject to all applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which were in effect at the time the offer is submitted for consideration by CCC. The use of the term "GR–345 Revision IV", and the word "wheat" in the offer shall signify that the offer is submitted subject to all such terms and conditions.

(2) Time for which the offer is submitted for consideration. The time shall be stated either as (i) "before 3:30 p.m." of a specified date, which shall be deemed to refer to the time the rate period ending 3:30 p.m. is in effect, or as (ii) "after 3:30 p.m." of a specified date which shall be deemed to refer to the time the rate period beginning 3:31 p.m. of the specified date is in effect. An offer will be considered for acceptance only at the time specified therein and will not be considered at any other time unless the offer is resubmitted.

(3) Net quantity of wheat to be exported expressed in bushels.

(4) Class of wheat to be exported.

(5) Export period within which the wheat will be exported. (See paragraph (c).)

(6) Coast or port of export (specify East, West or Gulf coast or Great Lakes port, St. Lawrence River port or Puerto Rico or Hawaii).

(7) Name and address of the exporter.

(8) Any other provision required by CCC in its announcement of rates issued pursuant to § 1483.104.

Example. The following represents an offer to export 100,000 bushels of Hard Red Winter Wheat submitted by John Doe Export Co., Inc.

GR–345, Revision IV—Wheat—For consideration before 3:30 p.m. July 6, 1967.[1]
100,000 bushels.
Hard Red Winter, Gulf coast.
July 6 through December 31.
By: John Doe Export Company, Inc.,
400 Blank Street,
New York, N.Y.
Signed: Richard Doe, President.

(c) The designation of class, coast of export and export period in the offer shall be made from one of the classes of wheat, coasts of export and export periods provided by CCC in the announcement of rates issued pursuant to § 1483.104. The export period applicable to offers received and accepted by CCC for export during the current export period shall commence with the date the offer is to be considered and shall end on the final date of the then current export period.

(d) An offer shall not specify more than one quantity of wheat, one class of wheat, one coast of export and one export period except when CCC provides in its announcement of rates issued pursuant to § 1483.104 that it will consider offers which contain more than one class of wheat, one export period or one coast of export. An exporter may separately submit more than one offer for consideration on any stated date.

(e) (1) CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only and offers containing terms or conditions other than those authorized in this subpart or any supplemental announcement hereunder will not be considered. An offer, modification of an offer or withdrawal of an offer will not be considered by CCC unless received in its entirety by the dispatching telegraph office (if made by telegram) or in the U.S. Department of Agriculture (if otherwise made in writing) before expiration of the rate period during which the exporter wishes the offer to be considered by CCC and in the case of a modification or withdrawal before the offer has been accepted by CCC except if:

(i) CCC determines that such offer, modification or withdrawal was delayed in transmission through no fault of the exporter.

(ii) The modification is made for the purpose of correcting an error apparent on the face of the offer, or for the purpose of clarification, or the modification is beneficial to CCC.

(2) A request to modify an offer or withdraw an offer must be submitted in writing, such as by telegram, TWX or teletypewriter. A telephonic request to modify an offer or withdraw an offer will not be considered.

(f) An exporter whose offer is rejected will be notified of such rejection and reason therefor by telegraph promptly after the offer is considered and rejected by CCC.

§ 1483.112 Acceptance of offers.

(a) Upon acceptance of an exporter's offer submitted under § 1483.111 for the exportation of wheat, CCC will attempt to notify the exporter by telegraph on the day the offer is considered and accepted by CCC. By close of business of such day CCC will forward to the exporter Form CCC–342, "Acceptance of Offer to Export Wheat" which shall constitute CCC's written acceptance of the exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which are in effect on the date the exporter wishes the offer to be considered. In Form CCC–342, CCC may utilize the code letters "AEP" to signify "Accepted Eligible for Payment" and will include an acceptance number which must be given in the Notice of Sale filed pursuant to § 1483.113.

(b) A request by an exporter to amend his contract with CCC to provide for the exportation of a different class of wheat or exportation from a different coast of export may be approved subject to such adjustment in the export payment rate as may be specified by the Director, or subject to the acquisition of export wheat marketing certificates under the Export Wheat Marketing Certificate Regulations at such cost as may be specified by the Director.

(c) An exporter shall notify the Director promptly in every case where he is unable to fulfill his obligations under his contract with CCC because of failure to export, the reentry in any form or product into the United States, Puerto Rico or Canada of wheat previously exported by him or his failure to discharge fully any other obligation assumed by him under this subpart.

[1] This shall be deemed to refer to the rate period ending 3:30 p.m. July 6, 1967, i.e., 3:31 p.m. July 5, 1967 to 3:30 p.m. July 6, 1967. If the exporter wishes the offer to be considered in the rate period after 3:30 p.m. on the specified date, then in lieu of "before 3:30 p.m.," the exporter must show "after 3:30 p.m."

§ 1483.113 Notice of sale.

(a) *Place and time of filing.* An exporter whose offer has been accepted by CCC shall file a Notice of Sale with the office specified in § 1483.185 promptly after the date on which the wheat was sold for exportation to a designated country or the date his offer to export wheat for an export payment was accepted by CCC, whichever is later. The exporter may file the Notice of Sale by telegram, TWX, teletypewriter or by letter.

(b) *Information required.* The Notice of Sale must contain the following:

(1) Date of sale.

(2) Contract quantity expressed in net bushels and the contract loading tolerance expressed in percentages, if any.

(3) Sale price on an f.o.b. vessel bulk basis. (The f.o.b. price shall include all charges and commissions necessary to the sale and moving of the wheat to the f.o.b. position. For example, a selling agent's commission would be included, whereas, guaranteed outturn insurance would not be included.)

(4) Coast or port of export (specify East, West or Gulf coast or Great Lakes port, St. Lawrence River port or Puerto Rico or Hawaii).

(5) Designated country.

(6) Name of buyer or buyers.

(7) Delivery period specified in the contract with the buyer.

(8) Class and grade of wheat, protein content and any additional commodity specifications in the contract.

(9) If the sale involves the exportation of private stocks of wheat pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number whichever is applicable. If such number is not available, the exporter must specify the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

(10) Acceptance number assigned by CCC. (See § 1483.112.)

(11). Such additional information in individual cases as may be requested by CCC.

(12) Any changes subsequently made in the information previously furnished pursuant to subparagraphs (1) through (11) of this paragraph must be reported to CCC as soon as possible.

(c) *Acknowledgment of notice of sale.* Upon receiving a Notice of Sale complying with the terms and conditions of the exporter's contract with CCC, CCC will acknowledge the Notice of Sale by telegraph and furnish the exporter a sale number. This sale number shall be shown on Form CCC–521, "Report of Wheat Exported" and all correspondence with CCC in reference to the transaction.

§ 1483.114 Wheat exported prior to submission of offer acceptable to CCC.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on wheat (other than an exportation of Durum wheat and other than an exportation under P.L. 480) which has been exported prior to submission of an offer acceptable to CCC. Such exporter must, in addition to the other requirements of this subpart (1) establish to the satisfaction of the Director that his failure to submit such an offer was due to causes without his fault or negligence, (2) make a report to the Director as provided in paragraph (b) of this section, (3) comply with the requirements of paragraph (c) of this section, and (4) file a Notice of Sale pursuant to § 1483.113 promptly after the date on which such wheat is sold.

(b) The exporter must report the wheat exported as described in paragraph (a) of this section promptly after exportation. The report may be by telegram, TWX, teletypewriter, or by telephone. Reports submitted by telephone shall be confirmed in writing. The report must include the following:

(1) Date of exportation.

(2) Coast or port of exportation.

(3) Country of destination.

(4) Name of export carrier.

(5) Quantity of wheat in net bushels.

(6) Class and grade of wheat.

(7) A statement that the carrier contains other wheat exported by the exporter as provided in paragraph (c) of this section.

Upon receipt of the report, the Director will provide the exporter with a transaction identification number.

(c) Unless otherwise approved in writing by the Director, the report described in paragraph (b) of this section shall relate only to wheat which is loaded on an export carrier which also carries other wheat exported by the same exporter. In the case of full cargo shipments, the portion of the wheat on which the report is submitted after exportation under authority of this section shall not exceed one-third of the total cargo. In the case of part cargo lots, the portion as to which such an offer is submitted shall not exceed 2,000 metric tons. The exporter should obtain separate bills of lading for both the quantity of wheat exported prior to submission of an offer acceptable to the Director and the balance of the wheat loaded by him.

(d) The export payment rate applicable to wheat exported prior to the submission of the report described in paragraph (b) of this section shall be the export payment rate in effect at the time of export or the rate in effect at the time of filing the report with CCC, whichever rate is the lower, for the then current export period which applies (1) to the class of wheat exported and (2) to the coast of export from which the wheat was exported. If a certificate cost is in effect under the Export Wheat Marketing Certificate Regulations at either the time of export or time of filing the report for the then current export period which applies to the wheat involved, the exportation shall be subject to the acquisition of export wheat marketing certificates under such regulations. If the time of day of export or the time of day of filing the report is not established and two payment rates are in effect on either of such days, the time of export or time of filing (as applicable) shall be deemed to have occurred at the time the lower of the two rates was in effect, or if a certificate cost announced under the Export Wheat Marketing Certificate Regulations is in effect for any portion of either such days which applies to the wheat involved, the time of export or the time of filing (as applicable) shall be deemed to have occurred at the time the certificate cost was in effect and the wheat exported shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

(e) The submission of Form CCC–521, "Report of Wheat Exported" for an export payment on such wheat constitutes the exporter's agreement that if the wheat is exported or transshipped to other than a designated country, or if the wheat is reentered into the United States (including Puerto Rico), he shall be liable to CCC as provided in § 1483.116 (d).

§ 1483.115 Loading tolerance.

(a) If an exporter exports or causes exportation in accordance with the requirements of this subpart of a net quantity of wheat which is less than the net quantity provided in the exporter's contract with CCC, as described in § 1483.112, but not less than (1) the contract quantity minus 5 percent or (2) the contract quantity minus 50,000 bushels, whichever quantity is the smaller, he shall not be required to pay liquidated damages for failure to export the undershipped quantity. If an exporter exports or causes exportation in accordance with the requirements of this subpart of a net quantity of wheat which is greater than the net quantity provided in the exporter's contract with CCC but not greater than (1) the contract quantity plus 5 percent or (2) the contract quantity plus 50,000 bushels, whichever quantity is the smaller, he may include the excess quantity on Form CCC–521, "Report of Wheat Exported" and receive payment at the same payment rate as provided in his contract with CCC.

(b) At such time as CCC has received Form(s) CCC–521 and evidence of export which support the exportation of a net quantity of wheat as required by the exporter's contract with CCC, as described in § 1483.112 (taking into account any loading tolerance provided in paragraph (a) of this section), CCC shall regard the contract as having been completed and will not thereafter accept Form(s) CCC–521 for the application of additional quantities against the same contract (unless approved in writing by the Director for good cause shown by the exporter), even though the additional quantities may be within the tolerance described in paragraph (a) of this section.

§ 1483.116 Exportation requirements.

(a) To be eligible for an export payment under this subpart the exporter

shall export or cause the exportation of the wheat in accordance with his contract with CCC, as described in § 1483.112, to the designated country shown in the Notice of Sale. Exportation to a designated country other than that shown in the Notice of Sale may be made if CCC is promptly notified of the change in the designated country and is furnished with a revised Notice of Sale. An extension of the export period will be granted to the exporter to the extent he establishes to the satisfaction of the Director that he had taken the necessary action to enable him to export within the required period but exportation had been delayed due to cause solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay.

(b) The exporter shall promptly furnish CCC evidence of exportation as specified in § 1483.163. Failure of the exporter to furnish evidence of exportation for application to a contract with CCC not later than 60 calendar days after the final date of the export period in the exporter's contract with CCC, or within any extension of such time as may be granted in writing by the Director under paragraph (a) of this section for good cause shown by the exporter, shall constitute prima facie evidence of the exporter's failure to export in accordance with his contract with CCC.

(c) (1) Except as provided in § 1483.115, the failure of the exporter to export wheat in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to a designated country as provided in paragraph (a) of this section without transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) is a condition precedent to any right to payment under this subpart. Exportation to other than a designated country, or transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) shall not entitle the exporter to any payment under this subpart.

(2) If the wheat is exported after the last day of the export period specified in the exporter's contract with CCC, or any extension thereof granted under paragraph (a) of this section, the export payment rate shall be reduced at the rate of one cent per bushel a day on the net bushels of wheat not exported timely, and beginning on the date when the exporter is no longer entitled to any payment under this provision, liquidated damages shall accrue at the rate of one cent per bushel for each day of delay on the net bushels of wheat not exported timely: *Provided, however,* That such liquidated damages for delay in timely exportation shall not exceed 25 cents per bushel on the net bushels of wheat not timely exported. An exportation which has not been made at the time that there has accrued a total amount of liquidated damages of 25 cents per bushel shall be deemed not to have been made at all and the exporter shall owe CCC, as liquidated damages, a total of 25 cents per bushel on the net bushels of wheat not exported except to the extent he establishes to the satisfaction of the Director that his failure to export was due to causes solely without his fault or negligence and that no financial advantage accrued or will accrue to the exporter as a result of such failure. Liquidated damages due under this section shall be paid by the exporter to CCC promptly on demand. Notwithstanding any other provision of this subpart (i) if exportation is made prior to or after the expiration of the export period provided in the exporter's contract with CCC, or such extension as approved under paragraph (a) of this section, the export payment due the exporter shall not exceed the payment which would have been received had the exporter's offer been accepted for exportation in the period of actual exportation; or (ii) if an export certificate cost would have been applicable under the Export Wheat Marketing Certificate Regulations had the exporter's offer been accepted for exportation in the period of actual exportation, the exporter shall not be entitled to any payment on such exportation and the exporter shall pay as liquidated damages to CCC an amount equivalent to such export wheat marketing certificate cost in lieu of any liquidated damages of a lesser amount which may be due CCC under the foregoing provisions of this paragraph. Except as provided in § 1483.115, the failure of the exporter to export the required quantity of wheat in accordance with his contract with CCC will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of storage, administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his offer agrees that the liquidated damages provided for in this section for failure to comply with his contract with CCC are reasonable estimates of the probable actual damages which may be incurred by CCC in the event of such failure. The exporter further agrees that he will make payment to CCC of any liquidated damages due under this section promptly on demand.

(3) In addition to the foregoing, an exporter who fails to export in accordance with his contract with CCC for causes due to his fault or negligence may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (31 F.R. 4950, March 25, 1966, and any amendments thereto).

(d) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of wheat exported is transshipped or caused to be transshipped in any form or product by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of wheat and shall also pay to CCC with respect to any such wheat which is reentered into the United States (including Puerto Rico) in any form or product, liquidated damages of 25 cents per bushel on such wheat. If the wheat exported is reentered in some other form or product, the exporter agrees that the wheat equivalent of such reentered wheat shall be determined on such basis as may be specified by CCC. To the extent the exporter establishes that the reentry was due to causes without his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received with respect to such wheat. If the reentered wheat is subsequently reexported, it shall be eligible for export payment in accordance with the other provisions of these regulations or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, the physical condition is such that the reentry into the United States will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat, in any form or product, the exporter shall not be in default, shall not be liable for such liquidated damages and shall not be required to return to CCC any payment received with respect to such wheat.

EXPORT PAYMENTS ON WHEAT (OTHER THAN DURUM WHEAT) EXPORTED UNDER PUBLIC LAW 480

§ 1483.130 General.

(a) *Sales under purchase authorizations.* An exporter who wishes to receive an export payment under this subpart on an export of wheat (other than Durum wheat) pursuant to a sale under a purchase authorization issued under Public Law 480, must file an offer consisting of a Notice of Sale as provided in § 1483.131 and, in addition to other applicable provisions of this subpart, must comply with the provisions of § 1483.130 to § 1483.139. Such Notice of Sale shall also constitute the exporter's request for approval of the price by the General Sales Manager for financing under the regulations issued pursuant to P.L. 480.

(b) *Sales under advance procurement procedures.* (1) An exporter who wishes to receive an export payment on an export of wheat (other than Durum wheat) pursuant to a dollar sale for which he had received advice from the foreign buyer at or before the time of sale that the importing country expects to obtain financing from CCC under P.L. 480, must file an offer consisting of a Notice of Sale as provided in § 1483.131 and, in addition to other applicable provisions of this subpart, must comply with the provisions of §§ 1483.130 through 1483.139 except that the approval of the price by the General Sales Manager will not be a condition precedent to the issuance of a Notice of Registration.

(2) The provisions of this subpart applicable to wheat exported under P.L. 480 and to sales of wheat financed under P.L. 480 shall, except as provided in this subparagraph and except where the context otherwise requires, apply to a sale as described in this paragraph even though the importing country does not actually obtain financing under P.L. 480 for such a sale.

(c) A Notice of Sale may be filed only with respect to a bona fide sales transaction with the foreign buyer named in the notice. The foreign buyer may be an affiliate of the U.S. exporter in which case the sale must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of intercompany transaction which does not result in an actual exportation and payment against the specific sale on which the export payment rate was based.

§ 1483.131 Notice of sale.

(a) The exporter shall file the Notice of Sale with the office specified in § 1483.185 on the date of the sale or as soon as possible thereafter. The Notice of Sale should normally be filed by telegram, TWX or teletypewriter although telephone may be used. Telephoned notices must be confirmed immediately by telegram, TWX or teletypewriter.

(b) In order for the exporter to be assured of the current payment rate, the Notice of Sale must be filed or the telephone call made prior to 3:31 p.m. of the expiration date for such rate as shown in the rate announcement.

(c) The time of filing the Notice of Sale will be considered to be as follows:

(1) In case of a telephonic notice, the time transmission of the telephonic message to the Contracting Officer, CCC, begins.

(2) In case the Notice of Sale is filed by telegram, the time the message is accepted by the dispatching telegraph office. CCC will accept as the time of filing, the time which appears on the telegram.

(3) In case the Notice of Sale is filed by TWX or teletypewriter, the time transmission of the message to CCC begins.

(d) If the time of filing the Notice of Sale cannot be established and two payment rates are in effect on the day of filing, the time of filing the Notice of Sale will be deemed to be the time the lower of the two payment rates was in effect. If the time of filing the Notice of Sale cannot be established and a certificate cost announced under the Export Wheat Marketing Certificate Regulations is in effect for any portion of the day on which the Notice of Sale was filed, the time of filing the Notice of Sale will be deemed to occur at the time the certificate cost is in effect and the wheat shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

(e) If the price of wheat is disapproved by the General Sales Manager, or the Notice of Sale is otherwise unacceptable the exporter will be so notified by telegraph and the Notice of Sale will not be registered. If the price of the wheat is disapproved, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to submit a new price which is acceptable to the General Sales Manager. During such 5-day period, CCC will not recognize, for the purpose of this subpart and for financing under P.L. 480, either a cancellation of the transaction originally reported to CCC or any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purpose of this subpart and for financing under P.L. 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer shall be considered as a new sale for the purpose of this subpart and for financing under P.L. 480 and shall be subject to the exporter's filing a new Notice of Sale and submission of new evidence of sale.

(f) *Information required.* The Notice of Sale must contain the following:

(1) Date and time of sale.

(2) Name of buyer or buyers. (Brokers or agents of either the seller or foreign buyer shall not be named as the buyer.)

(3) Destination country.

(4) Class and grade of wheat, protein content and any additional commodity specifications in the contract.

(5) Contract quantity, expressed in net bushels and the contract loading tolerance, if any, expressed in percentage, but not in excess of 5 percent, more or less.

(6) Sales price per net bushel.

(7) Coasts or ports of export (specify East, West or Gulf coast or Great Lakes port, St. Lawrence River port or Puerto Rico or Hawaii).

(8) Delivery period specified in contract.

(9) Complete packaging description and packaging material specifications if exportation of the wheat is other than in bulk.

(10) Delivery terms (f.o.b., f.a.s., etc.).

(11) P.L. 480 Purchase Authorization number, or in the case of an exporter as described in § 1483.130(b), the words "Advance Procurement—P.L. 480."

(12) Exporter's sales contract or order number, if any.

(13) Name and address of sales agent, if any.

(14) Such additional information in individual cases as may be requested by the Contracting Officer, CCC.

§ 1483.132 Notice of registration.

(a) Upon receiving a Notice of Sale complying with the applicable provisions of this subpart and if the price of the wheat is approved by the General Sales Manager, CCC will register the sale and will issue a Notice of Registration by telegram which shall constitute written notice that the sale is registered, unless it is determined that to do so would not be in the best interest of the program. Such registration shall create a contract between the exporter and CCC. The contract resulting from such registration shall consist of the exporter's Notice of Sale, CCC's Notice of Registration, the applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which are in effect at the time of filing the Notice of Sale.

(b) If a Notice of Sale is received by CCC which provides for more than one coast of export or more than one class of wheat with the exporter or foreign buyer having the option to select the coast of export or class of wheat, CCC will not register the sale and will not issue a Notice of Registration unless otherwise provided in the announcement of export payment rates made pursuant to § 1483.104 or unless, because of special circumstances, it is determined to be in the best interest of CCC.

(c) If a contract between the exporter and the foreign buyer specifies an option(s) (two or more classes of wheat, different coasts of export, or more than one export period) to be exercised by either of such contracting parties and (1) an export payment rate has been announced for one of the classes of wheat, coasts of export, or export periods given in the Notice of Sale and (2) a certificate cost has been announced for the other class of wheat, coast of export, or export period given in the Notice of Sale, the Notice of Registration will show that the sale has been registered and that the exporter will be eligible for an export payment under this subpart or liable for certificates under the Export Wheat Marketing Certificate Regulations, depending on the circumstances of the exportation. For example, if a Notice of Sale is given to CCC for 500,000 bushels to be exported to India and the Notice of Sale contains Hard Red Winter wheat as the basic contract class with an option for Soft Red Winter wheat with both classes to be exported from the Gulf coast, the Notice of Registration may be issued in the following form showing that the transaction is registered under the regulations in this subpart and the Export Wheat Marketing Certificate Regulations.

Registered "PAF-480". "REP"	500,000 bushels. Hard Red Winter.	WN37-16-1	India.
"RLC" (i.e., registered liable for certificates).	Soft Red Winter.		

(d) In the telegram of registration CCC may utilize the code letters "REP" to signify "Registered as Eligible for Payment" and the code letters "PAF-480" to signify that the price of the wheat has been approved by the General Sales Manager for financing under the regulations issued pursuant to P.L. 480. The Notice of Registration will include a registration number which shall be shown on Form CCC-359, "Declaration

of Sale," on Form CCC–521, "Report of Wheat Exported" and in all correspondence with CCC in reference to the transaction.

(e) An exporter shall notify the Director promptly in every case where he is unable to fulfill his obligations under his contract with CCC because of failure to export, the reentry in any form or product into the United States, Puerto Rico or Canada of wheat previously exported by him or his failure to discharge fully any other obligation assumed by him under this subpart.

§ 1483.133 Determination of export payment rates.

The export payment rate applicable to the sale shall be the rate in effect at the time of sale to the foreign buyer as determined under § 1483.134 or the time of filing Notice of Sale with CCC as determined under § 1483.131(c), whichever rate is the lower, for the export period which covers the delivery period under the exporter's sale to the foreign buyer. If a certificate cost is in effect under the Export Wheat Marketing Certificate Regulations at either the time of sale or at the time of filing a Notice of Sale for the period of export specified in the Notice of Sale, the exportation shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

§ 1483.134 Determination of time of sale.

A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer under which a firm dollar and cent price has been established. The supporting evidence of sale submitted by the exporter in the form prescribed in § 1483.135 will be the basis for determining the time of sale. For the purpose of this subpart, some of the factors which are determinative of time of sale, are as follows:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller; otherwise, it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Time of a telephone conversation during which the buyer and the exporter agreed verbally to the terms of a contract to purchase and sell. The documents to substantiate the telephone conversation or the contract confirming the verbal agreement signed by both the exporter and foreign buyer must show the time at which the exporter and foreign buyer verbally agreed to the terms of the contract.

(e) Any contract provisions which entail provisional or basic or maximum or minimum prices to be adjusted at a future date may affect the time of sale for purposes of this subpart.

(f) If the contract would be firm but for the fact that it is conditioned upon receipt of advice of the approval by CCC for financing under P.L. 480, such condition shall be disregarded for the purpose of determining the time of sale. On any sale where the price of the wheat originally reported by the exporter is disapproved by the General Sales Manager, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to submit a new price which is acceptable to the General Sales Manager. If within this period an acceptable price is submitted, the time of sale will be regarded as the time of the original sale and the export payment applicable to the wheat exported under this subpart will be the rate in effect at time of original sale or the time of giving the original Notice of Sale, whichever rate is the lower.

(g) If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, or by any other means, the sale will be deemed to have been made at the time the wheat is considered exported for program purposes, as defined in § 1483.106(g). If export is by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in this section or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is issued, at the time of clearance through U.S. Customs.

(h) If the time of day at which the sale was made is not established and two payment rates are in effect on the date of sale, the time of sale will be deemed to occur at the time the lower of the two rates was in effect. If the time of day at which the sale was made is not established and a certificate cost announced under the Export Wheat Marketing Certificate Regulations is in effect for any portion of the date of sale, the time of sale will be deemed to occur at the time the certificate cost was in effect and the wheat exported shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

(i) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(j) In any unusual cases involving factors other than those described above, an exporter should make a written request for a determination in writing from the office specified in § 1483.185 in advance of making the sale as to the effect of such factors on the time of sale.

§ 1483.135 Declaration of sale and evidence of sale.

(a) *Place and time of submission and required copies.* (1) The exporter shall prepare Form CCC-359, "Declaration of Sale", and should mail or deliver it to the office specified in § 1483.185 as soon as possible after receiving the Notice of Registration from CCC. Supplies of Form CCC-359 may be obtained from the Kansas City ASCS Commodity Office.

(2) Form CCC-359 must be submitted in an original and 5 copies all of which must be signed in an original signature by the exporter or his authorized representative. Two copies of Form CCC-359 will be returned to the exporter signed by a Contracting Officer, CCC, confirming approval under this subpart for an export payment and countersigned by the General Sales Manager, or his designee, confirming approval for financing under regulations issued pursuant to P.L. 480.

(3) One set of Form CCC–359 should be submitted by the exporter for each sale identified by a registration number assigned in the Notice of Registration (see § 1483.132). If more than one set of Form CCC–359 is submitted the letters A, B, C, etc., shall be added to registration numbers on the respective Form CCC-359.

(b) *Information required.* Enter on Form CCC–359 the following:

(1) Registration number.

(2) Exporter's sales contract or order number, if any.

(3) P.L. 480 Purchase Authorization number, or in the case of an exporter as described in § 1483.130(b), the words "Advance Procurement—P.L. 480."

(4) Date and time of filing Notice of Sale.

(5) Date and time of sale.

(6) Name and address of buyer or buyers. (Brokers or agents of either the seller or buyer shall not be named as a buyer.)

(7) Destination country.

(8) Contract quantity, expressed in net bushels.

(9) The contract loading tolerance, if any, expressed in percentage, but not in excess of 5 percent more or less.

(10) Class and grade of wheat, protein content and any additional commodity specifications in the contract.

(11) Sales price per net bushel and delivery terms (f.o.b., f.a.s., etc.).

(12) Delivery period specified in the contract.

(13) Coast or port of export (specify East, West or Gulf coast or Great Lakes port or St. Lawrence River port or Puerto Rico or Hawaii).

(14) Export payment rate per bushel as determined under these regulations.
(15) Name and address of sales agent, if any.
(16) Complete packaging description and packaging material specifications if exportation of the wheat is other than in bulk.
(17) Such additional information in individual cases as may be requested by CCC.

(c) *Name in which filed.* Form CCC–359 must be filed in the name of the exporter who sold the wheat to the foreign buyer. If the sale is made under a trade name, Form CCC–359 may be filed under the trade name provided the name of the actual exporter and the relationship of the actual exporter to the trade name is clearly established on Form CCC–359 and all related documents, such as:

American Grain Co.
(Trade Name)
U.S. Grain Co.
(s) John Smith, Secretary

(d) *Evidence of sale.* (1) Supporting evidence of sale, in one copy only, must be filed with Form CCC–359. Such evidence may be in the form of a certified true copy of the signed contract between exporter and buyer or certified true copies of an offer and the acceptance of such offer or other documentary evidence of sale.

(2) For transactions involving an intermediate party, the evidence required shall consist of certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown on Form CCC–359, provided such evidence includes all information required under paragraph (b) of this section and any additional documentation specifically requested by CCC.

(3) For all transactions the supporting evidence of sale includes, in addition to the documents specified in subparagraphs (1) and (2) of this paragraph any subsequent amendment to the contract between the exporter and foreign buyer. One copy of each amendment shall be submitted to CCC as soon as it is made.

§ 1483.136 Wheat exported prior to filing a notice of sale.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on wheat (other than Durum wheat) which has been exported prior to the filing of a Notice of Sale and which is to be financed under P.L. 480. Such exporter must, in addition to the other requirements of this subpart, (1) comply with the requirements of paragraph (b) of this section, and (2) file a Notice of Sale pursuant to § 1483.131 within the export period in which the exportation occurred unless an extension in time to submit the Notice of Sale is approved in writing by the Director for good cause shown by the exporter. The exporter must state in the Notice of Sale that the wheat covered by such notice has been exported and must include the time and date of export.

(b) Unless otherwise approved in writing by the Director only wheat which is loaded on an export carrier which also carries other wheat exported by the same exporter shall be eligible for an export payment under this section. In the case of full cargo shipments, the portion of the wheat on which the report is submitted shall not exceed one-third of the total cargo. In the case of part cargo lots, the portion as to which such a report is made shall not exceed 2,000 metric tons. The exporter should obtain separate bills of lading for both the quantity of wheat exported prior to filing a Notice of Sale and the balance of the wheat loaded by him.

(c) The export payment rate applicable to wheat exported prior to filing a Notice of Sale shall be the export payment rate in effect at the time of export, time of sale or time of filing the Notice of Sale, whichever rate is the lowest, for the then current export rate period which applies (1) to the class of wheat exported and (2) to the cost of export from which the wheat was exported. If a certificate cost is in effect under the Export Wheat Marketing Certificate Regulations at the time of export, time of sale or time of filing the Notice of Sale, the exportation shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations. If the time of day of export is not established and two payment rates are in effect on such day, the time of export will be deemed to have occurred at the time the lower of the two rates was in effect. If the time of day of export is not established and a certificate cost announced under the Export Wheat Marketing Certificate Regulations is in effect for any portion of the date of export, the time of export will be deemed to have occurred at the time the certificate cost was in effect and the wheat exported shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

§ 1483.137 Loading tolerance.

A loading tolerance of not to exceed 5 percent more or less may be included in the Notice of Sale, provided such tolerance is specified in the sale between the exporter and foreign buyer, or if no loading tolerance is specified in the sale, a loading tolerance of 1 percent more or less may be included in the Notice of Sale. Payment shall not be made on any quantity exported which is in excess of the contract quantity as shown on Form CCC–359, "Declaration of Sale" plus the loading tolerance, unless (a) a new Notice of Sale is filed for such excess quantity meeting the requirements of § 1483.131, (b) a new Notice of Registration is issued in connection therewith, and (c) the exporter furnishes such other documents as may be required by CCC for such exports. If the contract quantity shown in Form CCC–359 less the loading tolerance is not exported, the exporter shall be subject to the provision of § 1483.139 for failure to export in accordance with his contract with CCC.

§ 1483.138 Contract amendments.

(a) (1) Except as provided in this paragraph, exportation of wheat as to which a Notice of Registration has been issued under § 1483.132 shall be made only to the designated country and buyer named in Form CCC–359, "Declaration of Sale" and the exporter shall not export, transship or cause the wheat to be transshipped to any other country.

(2) Exportation to a designated country other than the country named in Form CCC–359 may be made provided (i) the exporter furnishes a certification to the Director that such exportation was requested by the buyer shown in Form CCC–359 that such exportation constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 1483.133 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such exportation which would impair the integrity of such sale and (ii) the exporter obtains the written approval of the Director to export the wheat to a designated country other than that shown in Form CCC–359.

(3) Exportation may be made to a consignee or notify party other than the buyer shown in Form CCC–359 provided the exporter furnishes the certification and obtains written approval of the Director as provided in subparagraph (2) of this paragraph.

(b) The provisions of the exporter's sale to the foreign buyer may be amended if approval in writing is obtained from the Director subject to any decrease in the export payment rate as may be determined by the Director or subject to the acquisition of export wheat marketing certificates under the Export Wheat Marketing Certificate Regulations at such cost as may be specified by the Director: *Provided, however,* That a change in the export period shall be subject to the provisions of § 1483.139. Any amendment to a sale for which a Notice of Registration has been issued shall subject the terms of the original sale and the amendment to reexamination by the General Sales Manager for the purpose of financing under P.L. 480.

§ 1483.139 Exportation requirements.

(a) To be eligible for an export payment the exporter shall export or cause exportation of wheat, as to which a Notice of Registration under § 1483.132 was issued, to the designated country specified in § 1483.138, in accordance with his contract with CCC. An extension of the export period will be granted to the exporter to the extent he establishes to the satisfaction of the Director that he had taken the necessary action to enable him to export within the required period but exportation had been delayed due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay.

(b) The exporter shall promptly furnish to CCC evidence of export as described in § 1483.163.

(c) Except as provided in § 1483.137 the failure of the exporter to export the required quantity of wheat in accordance with his contract with CCC, as described in § 1483.132, shall constitute a default of his obligations to CCC. Exportation to the designated country specified in § 1483.138 without transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) is a condition precedent to any right to payment under this subpart. Exportation to other than such designated country, or transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) shall not entitle the exporter to any payment under this subpart.

(d) If the wheat is exported in a different export period than the export period which covers the delivery period specified in the Notice of Sale, or such extension as granted under paragraph (a) of this section, the export payment shall be reduced in such amount as determined by the Director: *Provided, however,* That the export payment due the exporter shall not exceed the payment which would have been received had the exporter's offer been accepted for exportation in the period of actual exportation, and if an export certificate cost would have been applicable under the Export Wheat Marketing Certificate Regulations had the exporter's offer been accepted for exportation in the period of actual exportation, the exporter shall not be entitled to any payment on such exportation, and shall pay as liquidated damages to CCC an amount equivalent to such export wheat marketing certificate cost. If the exporter has failed to export the required quantity of wheat and a replacement purchase is made by the importing country under P.L. 480, the exporter shall pay to CCC on demand the actual damages to CCC resulting from such failure, or if a replacement purchase is not made, the exporter shall pay to CCC on demand liquidated damages of 25 cents per bushel on the net bushels of wheat not exported, except to the extent he establishes to the satisfaction of the Director that his failure to export was due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure The failure of the exporter to export the required quantity of wheat will cause serious and substanial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of storage, administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter in submitting his Notice of Sale agrees that the liquidated damages provided for in this section for failure to comply with his contract with CCC are reasonable estimates of the probable actual damages which may be incurred by CCC in the event of such failure.

(e) In addition to the foregoing, an exporter who fails to export in accordance with his contract with CCC for causes due to his fault or negligence may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (31 F.R. 4950, March 25, 1966, and any amendments thereto).

(f) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of wheat exported is transshipped or caused to be transshipped in any form or product by the exporter to any country that is not a designated country, the exporter shall be subject to the provisions of § 1483.116(d).

Export Payments on Durum Wheat

(including exports under public law 480)

§ 1483.150 General.

(a) An exporter who wishes to receive an export payment under this subpart on an export of Durum wheat shall submit an offer as provided in § 1483.151 for exportation of such wheat during a specified export period at a stated export payment rate to any designated country (see § 1483.106(e)).

(b) An export payment will not be made on any exportation of Durum wheat unless CCC has received a Notice of Sale covering such wheat and the price of the Durum wheat is consistent with any applicable international obligations of the United States. CCC will acknowledge the Notice of Sale by giving to the exporter notification of a sale number assigned to such exportation.

(c) The Durum wheat must be exported to a designated country and must not be transshipped or caused to be transshipped by the exporter to any other country.

§ 1483.151 Submission of offers.

(a) An offer for the exportation of Durum wheat shall be submitted in writing, such as by telegram, TWX or teletypewriter, to the office specified in § 1483.185. Offers will be considered daily except that offers will not be considered for acceptance on Saturday, Sunday, or a National Holiday, or any other day specified by CCC in its announcement of export payment rates issued pursuant to § 1483.104 as a day on which offers will not be considered for acceptance. Offers must be received in the Department of Agriculture by 3:30 p.m. of the day on which the exporter desires the offer to be considered by CCC for acceptance.

(b) *Form.* An offer shall be submitted in the name of the exporter, shall set forth his full business name and address, shall be signed by the exporter or someone authorized to make contracts on behalf of the exporter and shall state the following:

(1) The offer is subject to all applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which were in effect at the time the offer is submitted for consideration by CCC. The use of the term "GR–345 Revision IV" and the words "Durum wheat" in the offer shall signify that the offer is submitted subject to all such terms and conditions.

(2) Date for which the offer is submitted for consideration. An offer will be considered for acceptance only on the day specified and will not be considered on any other day unless the offer is resubmitted.

(3) Such offer applies to Durum wheat.

(4) Net quantity of Durum wheat to be exported expressed in bushels.

(5) Export payment for which the Durum wheat will be exported expressed in whole cents per bushel, exclusive of any payment for special factors which may be applicable to the exportation as specified by CCC in its announcement of rates under § 1483.104. The payment applicable to the exportation shall be the payment specified in the offer plus the payment for any special factors which may be specified by CCC in the rate announcement in effect prior to 3:31 p.m. on the day for which the offer is submitted for consideration. Payments for special factors will be based on the coast or port of export, method of shipment of the Durum wheat to such coast or port, or any other factors as may be announced hereunder which may be applicable to the exportation.

(6) Export period within which the Durum wheat will be exported. (See paragraph (c) of this section).

(7) The words "West Coast" if the offer is to export Durum wheat from the West coast or the words "Other Than West Coast" if the offer is to export Durum wheat from the Gulf coast, East coast, a Great Lakes port or a St. Lawrence River port.

(8) Name and address of the exporter.

(9) Any other provision required by CCC in its announcement of rates issued pursuant to § 1483.104.

Example. The following represents an offer to export 100,000 bushels of Durum wheat during July and August for an export payment of 10 cents per bushel submitted by John Doe Export Company.

GR–345–Revision IV—Durum wheat—For consideration May 8.
100,000 bushels for export.
July–August from Other Than West Coast, 10 cents bushel export payment.

By: John Doe Export Company, Inc.,
400 Blank Street,
New York, N.Y.
Signed: Richard Doe, President.

(c) The designation in the offer of the export period shall be made from one of the export periods provided by CCC in the announcement of rates issued pursuant to § 1483.104. The export period applicable to offers received and accepted by CCC for export during the current export period shall commence with the date the offer is to be considered and shall end on the final date of the then current export period.

(d) An offer shall not specify more than one quantity of Durum wheat, one export payment rate, one export period

and one coastal area of export except when CCC provides otherwise in its announcement of rates issued pursuant to § 1483.104. An exporter may separately submit more than one offer for consideration on any stated date.

(e) (1) CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only and offers containing terms and conditions other than those authorized in this subpart or any supplemental announcement hereunder will not be considered. An offer, modification of an offer or withdrawal of an offer will not be considered by CCC if received in the U.S. Department of Agriculture after the closing time for the receipt of offers unless:

(i) CCC determines that such offer, modification or withdrawal was delayed in transmission through no fault of the exporter.

(ii) The modification is made for the purpose of correcting an error apparent on the face of the offer, or for the purpose of clarification, or the modification is beneficial to CCC.

(2) A request to modify an offer or withdraw an offer must be submitted in writing, such as by telegram, TWX or teletypewriter. A telephonic request to modify an offer or withdraw an offer will not be considered.

§ 1483.152 Acceptance of offers.

(a) Upon acceptance of an exporter's offer submitted under § 1483.151 for the exportation of Durum wheat, CCC will attempt to notify the exporter by telephone by 4:30 p.m. of the day on which the exporter desires the offer to be considered by CCC. By close of business of such day CCC will forward to the exporter Form CCC–422, "Acceptance of Offer to Export Durum Wheat" which shall constitute CCC's written acceptance of the exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which are in effect on the date the exporter wishes the offer to be considered. In Form CCC–422, CCC may utilize the code letters "AEP" to signify "Accepted Eligible for Payment" and will include an acceptance number which must be given in the Notice of Sale filed pursuant to § 1483.153.

(b) A request by an exporter to amend his contract with CCC to provide for exportation from a different coastal area may be approved subject to such decrease in the export payment rate as may be specified by the Director, or subject to the acquisition of export wheat marketing certificates under the Export Wheat Marketing Certificate Regulations at such cost as may be specified by the Director.

(c) An exporter shall notify the Director promptly in every case where he is unable to fulfill his obligations under his contract with CCC because of failure to export, the reentry in any form or product into the United States, Puerto Rico or Canada of wheat previously exported by him or his failure to discharge fully any other obligations assumed by him under this subpart.

§ 1483.153 Notice of sale of Durum wheat including Durum wheat to be exported under P.L. 480.

(a) *Time and place of filing.* An exporter whose offer has been accepted by CCC shall file a Notice of Sale with the office specified in § 1483.185 promptly after the date on which the Durum wheat was sold for exportation to a designated country or the date his offer to export Durum wheat for an export payment was accepted by CCC, whichever is later. The exporter may file the Notice of Sale by telegram, TWX, teletypewriter or by letter.

(b) *Information required.* The Notice of Sale must contain the following:

(1) Date of sale.

(2) Contract quantity expressed in bushels and the contract loading tolerance expressed in percentage, if any.

(3) Sale price on an f.o.b. vessel bulk basis. (The f.o.b. price shall include all charges and commissions necessary to the sale and moving of the wheat to the f.o.b. position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.)

(4) Port of export on the West Coast where the Notice of Sale is to be applied to an offer made on the basis of export from the West Coast. Coast(s) or port of export where the Notice of Sale is to be applied to an offer made on the basis of export from a coastal area other than the West Coast (specify East, or Gulf coast or Great Lakes or St. Lawrence River ports and any options as to coast or port to be exercised by the exporter or the buyer).

(5) Designated country.

(6) Name of buyer or buyers.

(7) Delivery period specified in the contract with the buyer.

(8) If the sale involves the exportation of private stocks of wheat pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number, or the AID approval number, whichever is applicable. If such number is not available, the exporter must specify the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

(9) Grade of Durum wheat.

(10) Acceptance number assigned by CCC (see § 1483.152).

(11) Such additional information in individual cases as may be requested by CCC.

(12) Any changes subsequently made in the information previously furnished pursuant to subparagraphs (1) through (11) of this paragraph must be reported to CCC as soon as possible.

(c) *Acknowledgement of Notice of Sale.* Upon receiving a Notice of Sale complying with the terms and conditions of the exporter's contract with CCC, CCC will acknowledge the Notice of Sale by telegraph and furnish the exporter a sale number. This sale number shall be shown on Form CCC–521, "Report of Wheat Exported" and all correspondence with CCC in reference to the transaction.

(d) In the case of a sale under Public Law 480 the exporter shall furnish a Notice of Sale consisting of the information required by § 1483.131(f). Promptly after receipt of an acknowledgment of the Notice of Sale stating that the price of the wheat is approved by the General Sales Manager for financing under Public Law 480, the exporter must furnish (1) the Durum acceptance number of the offer to which the sale is to be applied as provided in paragraph (b) (10) of this section and (2) a Form CCC–359, "Declaration of Sale" together with supporting evidence of sale as provided in § 1483.135. The use of code letters "PAF480" in the acknowledgment by CCC will signify that the price of the wheat has been approved by the General Sales Manager for financing under P.L. 480. If the price of the Durum wheat is disapproved by the General Sales Manager or the Notice of Sale is otherwise unacceptable, the exporter will be notified accordingly. If the price of the Durum wheat is disapproved, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to submit a new price which is acceptable to the General Sales Manager. During such 5-day period, CCC will not recognize for the purpose of financing under P.L. 480, either a cancellation of the transaction originally reported to CCC or any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purpose of financing under P.L. 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer shall be considered as a new sale for the purpose of financing under P.L. 480 and shall be subject to the exporter's filing a new Notice of Sale and submission of new evidence of sale.

§ 1483.154 Durum wheat exported prior to submission of an offer acceptable to CCC.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on Durum wheat which has been exported prior to submission of an offer acceptable to CCC. Such exporter must, in addition to the other requirements of this subpart, (1) establish to the satisfaction of the Director that his failure to submit such an offer was due to causes without his fault or negligence, (2) make a report to the Director as provided in § 1483.114 (b) including in the report an export payment rate which he offers for consideration, (3) comply with the require-

ments of § 1483.114(c), and (4) file a Notice of Sale pursuant to § 1483.153 promptly after the date on which such Durum wheat is sold. Upon receipt of the report, the Director will issue a transaction identification number.

(b) The export payment rate applicable to Durum wheat as to which the exporter has satisfied the conditions of this section shall be the rate specified in the report or such other rate as the Director determines will make the wheat competitive in world markets, avoid disruption of world market prices and meet any applicable international obligations of the United States.

(c) The submission of Form CCC–521, "Report of Wheat Exported" for an export payment on such wheat constitutes the exporter's agreement that if the wheat is exported or transshipped to other than a designated country, or if the wheat is reentered into the United States (including Puerto Rico), he shall be liable to CCC as provided in § 1483.116(d).

§ 1483.155 Loading tolerance.

(a) If an exporter exports or causes exportation in accordance with the requirements of this subpart of a net quantity of Durum wheat which is less than the net quantity provided in the exporter's contract with CCC as described in § 1483.152, but not less than (1) the contract quantity minus 5 percent or (2) the contract quantity minus 50,000 bushels, whichever quantity is the smaller, he shall not be required to pay liquidated damages for failure to export the undershipped quantity. If an exporter exports or causes exportation in accordance with the requirements of this subpart of a net quantity of Durum wheat which is greater than the net quantity provided in the exporter's contract with CCC but not greater than (1) the contract quantity plus 5 percent or (2) the contract quantity plus 50,000 bushels whichever quantity is the smaller, he may include the excess quantity on Form CCC–521, "Report of Wheat Exported" and receive payment at the same payment rate as provided in his contract with CCC.

(b) At such time as CCC has received Form(s) CCC–521 and evidence of export which support the exportation of a net quantity of wheat as required by the exporter's contract with CCC, as described in § 1483.152 (taking into account any loading tolerance provided in paragraph (a) of this section), CCC shall regard the contract as having been completed and will not thereafter accept Form(s) CCC–521 for the application of additional quantities against the same contract (unless approved in writing by the Director for good cause shown by the exporter), even though the additional quantities may be within the tolerance described in paragraph (a).

§ 1483.156 Exportation requirements.

(a) To be eligible for an export payment under this subpart the exporter shall export or cause exportation of the Durum wheat in accordance with his contract with CCC, as described in § 1483.152, to the designated country shown in the Notice of Sale. Exportation to a designated country other than that shown in the Notice of Sale may be made if CCC is promptly notified of the change in the designated country and is furnished with a revised Notice of Sale. An extension of the export period will be granted to the exporter to the extent he establishes to the satisfaction of the Director that he had taken the necessary action to enable him to export within the required period but exportation had been delayed due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay.

(b) The exporter shall promptly furnish CCC evidence of exportation as specified in § 1483.163. Failure of the exporter to furnish evidence of exportation for application to a contract with CCC not later than 60 calendar days after the final date of the export period in the exporter's contract with CCC, or within any extension of such time as may be granted in writing by the Director under paragraph (a) of this section for good cause shown by the exporter, shall constitute prima facie evidence of the exporter's failure to export in accordance with his contract with CCC.

(c) Except as provided in § 1483.155, the failure of the exporter to export the required quantity of Durum wheat in accordance with his contract with CCC shall subject the exporter to the provisions of § 1483.116(c).

(d) If any quantity of Durum wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of Durum wheat exported is transshipped or caused to be transshipped in any form or product by the exporter to any country that is not a designated country, the exporter shall be subject to the provisions of § 1483.116(d).

DOCUMENTS REQUIRED FOR EXPORT PAYMENTS

§ 1483.161 Report of wheat exported.

An exporter who wishes to obtain an export payment under this subpart shall submit an original and two (2) copies of Form CCC–521, "Report of Wheat Exported" together with evidence of export as provided in § 1483.163 to the Kansas City ASCS Commodity Office. The exporter should submit the documentation as soon as possible after exportation. Supplies of Form CCC–521 and detailed instructions regarding its preparation and submission may be obtained from the Kansas City ASCS Commodity Office.

§ 1483.162 Export payments.

(a) *Amount and manner of making payments.* All export payments made by CCC on any contract under this subpart shall be in cash. Upon receipt of Form CCC–521 and satisfactory evidence of export, the Kansas City ASCS Commodity Office will determine the amount of payment due the exporter by multiplying the number of net bushels of wheat exported in accordance with the exporter's contract with CCC by the applicable export payment rate.

(b) *Payee.* Except as provided in § 1483.183, the export payment will be made only to the exporter with whom CCC has a contract to make an export payment and who has complied with the provisions of this subpart.

§ 1483.163 Evidence of export.

With each Form CCC–521 the exporter must furnish the following documentary evidence of exportation which complies with the requirements of § 1483.102(d):[1]

(a) If export is by water, a non-negotiable copy or photostat of the ocean carrier bill of lading issued at point of export signed by an agent of the ocean carrier. The bill of lading must show (1) the identification of the ocean carrier, (2) date and place of issuance, (3) the weight of the wheat, (4) number or description of the carrier's hold or tank in which the wheat was stowed, (5) that the wheat is destined for the destination country under the exporter's contract with CCC and (6) the Purchase Authorization Number if export is pursuant to Public Law 480. Where loss, damage or destruction of the wheat occurs subsequent to loading aboard the ocean carrier, but prior to issuance of a bill of lading, a copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading. If the country of destination shown on the bill of lading differs from that in the exporter's contract with CCC, there must be furnished a copy of the Shipper's Export Declaration, authenticated by the appropriate United States Customs Official, showing that the country of destination is the country to which the wheat is required to be exported or, if export is made from a Canadian port on the St. Lawrence River, a copy of a document, in lieu of the Shipper's Export Declaration, authenticated by an appropriate Canadian Customs Official showing that the country of destination is the country to which the wheat is required to be exported.

(b) If export is by rail or truck (other than to Canada), a copy of the Shipper's Export Declaration, authenticated by the appropriate United States Customs Official which identifies the shipment(s), date of clearance into the foreign country and weight of the wheat.

(c) A copy of an official export weight certificate as defined in § 1483.106(m) applicable to the wheat loaded on board the ocean carrier showing (1) identification of the ocean carrier, (2) date and place of issuance, (3) description of carrier's hold or tank in which the wheat was stowed or if exported by railcar or truck a description of such railcar or truck and (4) gross weight of wheat. If bagged wheat, the official weight certifi-

[1] Exportation must also conform to the requirements in the regulations and Purchase Authorizations issued under Public Law 480 (83d Cong.), as amended in order to be eligible for Public Law 480 financing.

cate and bill of lading or Shipper's Export Declaration shall contain the (1) gross weight of the wheat (including the bags), (2) tare weight of the bags or the number of bags and an acceptable certification as to the weight of the bags. In lieu of an official export weight certificate, CCC may also accept an official inland weight certificate covering bagged wheat issued at an inland-bagging point provided the exporter establishes to the satisfaction of the ASCS Commodity Office that (1) the bagged wheat covered by each inland certificate is properly identified by evidence of continuity of movement from the bagging point to on board the export carrier, (2) an over, short, or damage report was not filed with the inland carrier, or if such a report was filed a copy is furnished CCC and (3) the inland certificate is dated not more than 30 days prior to date of export.

(d) A copy of an official export inspection certificate as defined in § 1483.105(l) applicable to the wheat loaded on board the ocean carrier showing (1) date and place of issuance, (2) identification of the ocean carrier, (3) description of the carrier's hold or tank in which the wheat was stowed, or (4) if exported by railcar or truck, a description of such railcar or truck and (5) quantity of wheat to which it relates. If the inspection certificate is for mixed wheat, the grade designation must show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture. Excluding exports made pursuant to Public Law 480, if the exporter is unable to supply an official export inspection certificate covering bagged wheat he may apply to the Director pursuant to paragraph (j) of this section to submit other acceptable evidence in lieu of such inspection certificate.

(e) In the event of export from Alaska, Hawaii, Puerto Rico or from a Canadian port on the St. Lawrence River of wheat shipped from the United States (excluding Alaska and Hawaii) (1) a bill of lading and other documentary evidence as specified by the ASCS Commodity Office covering the movement of the wheat from the United States (excluding Alaska and Hawaii) to the ocean carrier described in the bill of lading issued at the point of export, and (2) a certification that the wheat exported is the identical wheat shipped from and produced in the United States (excluding Alaska and Hawaii).

(f) If the shipper or consignor named in the evidence of export is other than the exporter, a waiver by such shipper or consignor in favor of the exporter of any interest in the application for payment. Such waiver must clearly identify the document submitted as evidence of export.

(g) Where export of the wheat has been made by anyone or transshipment made or caused by anyone to one or more countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bill of lading or other pertinent evidence required to be furnished to CCC shall identify, by number, the license issued by the Bureau of International Commerce, United States Department of Commerce.

(h) If a single bill of lading or other evidence of export covers more than the net quantity of wheat which is applied against the exporter's contract with CCC, and the excess quantity covered by the evidence is to be used as evidence of export in connection with a different contract with CCC under this subpart or under any other export program of CCC under which CCC has paid or agreed to pay an export allowance or sold wheat at competitive world prices, each copy of the evidence of export shall be accompanied by a certification identifying all contracts with CCC to which the evidence of export has been or will be applied and the quantity to be applied to each contract.

(i) If export is made by vessel, plane, truck or other carrier operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of export carrier, description of the wheat, net quantity of wheat, and destination. In addition, a certification by the exporter that exportation is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable.

(j) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director that the exporter has fully complied with his obligations under his contract with CCC.

(k) Such additional evidence of export as the Director may require to determine that the exporter has complied with his contract with CCC.

CCC Sales of Wheat for Export

§ 1483.170 Submission of offers.

The following provisions of this subpart contain the terms and conditions under which CCC makes wheat available for export at market prices (without an export allowance) as determined by CCC. An exportation in fulfillment of a contract for the purchase of such wheat may qualify for an export payment if it complies with the other applicable provisions of this subpart. An offer to purchase CCC wheat under this subpart may be submitted by letter, telegram, or orally to the office shown in the CCC monthly sales announcement from which the exporter desires delivery. The offeror must specify the class, grade, quality and quantity desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities and quantities and point of delivery for which offers will be considered, and to reject any offer in whole or in part.

§ 1483.171 Creation of contracts.

Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the ASCS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the Purchaser." The Confirmation of Sale, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used in §§ 1483.170 to 1483.179, inclusive, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

§ 1483.172 Price.

The contract price of the wheat shall be market price as determined by CCC basis f.o.b. vessel, instore, or on track at port or other point of export (without an export allowance) at the time the parties completed their preliminary negotiations on the sale, for the class, grade, quality (including protein) of the wheat. Such price shall be specified in the Confirmation of Sale.

§ 1483.173 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser to the ASCS Commodity Office in one (or a combination) of the following ways:

(1) By surrender of certificate(s): If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC, or at the request of the purchaser by a payment to him in cash. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. A purchaser who wishes to be paid in cash for the excess value of the certificates shall advise the ASCS Commodity Office in writing. The value of the balance certificate or cash payment will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the wheat.

(2) By payment in cash, certified check or cashier's check.

(3) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached or by requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange

for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the wheat shall be made (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and (2) on all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.174 Delivery.

(a) The method, time and place of delivery of the wheat by CCC will be as specified in the Confirmation of Sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of in-store delivery, the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loadingout charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall pay CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the date of delivery or, if the purchaser fails to take delivery, to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the wheat within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.175 Specifications.

(a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade and quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(d) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade and quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade and quality of the wheat delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any overdeliveries in quantity. Overdeliveries in quantity accepted by the purchaser shall be paid for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of underdeliveries the value of the underdelivery shall be paid to the purchaser in cash. In the case of overdeliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered or the payment in cash by $3 or less, no adjustment will be necessary. If the value of certificates surrendered or the payment made in cash exceeds the value of wheat delivered by $3 or less, a payment will not be made by CCC in cash unless requested by the purchaser.

§ 1483.176 Export requirements.

(a) The purchaser shall, on or after the date of sale and not later than 60 days after delivery by CCC of the wheat to him or within such extension of that period as may for good cause be approved by the Director, ASCS Commodity Office, in writing pursuant to § 1483.178(c) cause exportation to a designated country of wheat equal in quantity to and of the same class as the wheat delivered by CCC. In the case of delivery of wheat to the purchaser at a Great Lakes port, if exportation takes place other than from the place of delivery by CCC, the purchaser must not later than 60 days after delivery of the wheat or within such extension of that period as may for good cause be approved by the Director, ASCS Commodity Office, in writing, ship from the place of delivery by CCC to any export point not on the Great Lakes, wheat equal in quantity and of the same class as the wheat delivered by CCC. Wheat so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The requirement that wheat of the same class be exported or shipped may be satisfied by exporting or shipping a quantity of mixed wheat which contains, as evidenced by the applicable Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivered by CCC. The wheat exported shall not be reentered by anyone in any form or product into the United States, including Puerto Rico, nor shall the purchaser cause the wheat exported to be transhipped in any form or product to any country excluded by § 1483.106(e).

(b) The purchaser shall, within 30 days after exportation, furnish to the ASCS Commodity Office evidence of such exportation as required in § 1483.177. The failure of the purchaser to furnish to the ASCS Commodity Office evidence of exportation as required in § 1483.177 not later than 30 days after the last date specified for exportation under this section, shall constitute prima facie evidence of failure to export. Documents supporting a Form CCC–521, "Report of Wheat Exported" on the wheat exported will be accepted as evidence of export of wheat purchased from CCC if they satisfy the requirements specified in § 1483.177 and if the Form CCC–521 is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

§ 1483.177 Evidence of export.

Evidence of export submitted by the purchaser shall consist of the following documentation, as applicable: [1]

(a) If export is by water, a nonnegotiable copy or photostat of the ocean bill of lading issued at point of export signed by an agent of the ocean carrier. The bill of lading must show name of vessel, date and place of issuance, weight of wheat, number or description of the vessel's hold or tank in which stowed, the designated country to which the wheat was shipped and the CCC sales contract number. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of a bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(b) If export is by rail or truck (other than to Canada), one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), date of clearance into the foreign country, weight of the wheat and the CCC sales contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser:

The authenticated copy of the Shipper's Export Declaration was forwarded to the Kansas City ASCS Commodity Office with the Form CCC–521, "Report of Wheat Exported" under Registration or Transaction No. _____.

[1] Exportation must conform to the requirements in the regulations and Purchase Authorizations issued under Public Law 480 (83d Cong.), as amended, in order to be eligible for Public Law 480 financing.

(c) A copy of an official export weight certificate as defined in § 1483.106(m) applicable to the wheat described on the ocean carrier bill of lading or Shipper's Export Declaration showing gross weight of wheat, date and place of issuance, name of vessel, description of vessel's hold or tank in which stowed, or if exported by railcar or truck a description of such railcar or truck. If bagged wheat, the official export weight certificate and bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat including the bags, the tare weight of the bags and an acceptable certification as to the weight of the bags. In lieu of an official export weight certificate, CCC may also accept an official weight certificate covering bagged wheat issued at an inland bagging point provided the exporter establishes to the satisfaction of the Director, ASCS Commodity Office, that (1) the bagged wheat covered by each inland certificate is properly identified by evidence of continuity of movement from the bagging point to on board the export carrier, (2) an over, short, or damage report was not filed with the inland carrier, or if such a report was filed a copy is furnished CCC, and (3) the inland certificate is dated not more than 30 days prior to date of export.

(d) A copy of an official inspection certificate as defined in § 1483.106(l) issued at the point of export applicable to the wheat described on the ocean bill of lading or Shipper's Export Declaration showing date and place of issuance, quantity of wheat, name of vessel and description of the vessel's hold or tank in which stowed, or if exported by railcar or truck, a description of such railcar or truck. If the certificate shows mixed wheat, the grade designation must show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture. Except for exports made pursuant to Public Law 480, if the exporter is unable to supply an official export inspection certificate covering bagged wheat he may apply to the Director, ASCS Commodity Office, pursuant to paragraph (g) of this section to submit other acceptable evidence in lieu of such certificate.

(e) In the event of exportation from Alaska, Hawaii, Puerto Rico or from a Canadian port on the St. Lawrence River of wheat shipped from the United States (excluding Alaska and Hawaii) (1) the bill of lading and other documentary evidence as specified by the Director, ASCS Commodity Office, covering the movement of the wheat from the United States (excluding Alaska and Hawaii) to the ocean vessel described in the bill of lading issued at the point of export, and (2) a certification by the exporter that the wheat exported is the identical wheat shipped from and produced in the United States (excluding Alaska and Hawaii).

(f) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of wheat of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the exporter that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as provided in paragraph (i) of this section. Such evidence shall be submitted in the time required by § 1483.176(b) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director, ASCS Commodity Office, that the exporter has fully complied with his obligations under his contract with CCC.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by anyone to one or more countries or areas to which a validated license is required by the Bureau of International Commerce, United States Department of Commerce, the bills of lading or other pertinent evidence required to be furnished to CCC shall identify by number the license issued by the Bureau of International Commerce, U.S. Department of Commerce, for such movement.

(i) If a single bill of lading or other evidence of export covers more than the net quantity of wheat which is applied against the exporter's contract with CCC, and the excess quantity is to be used as evidence of export in connection with a different contract with CCC under this program or under any other export program of CCC under which CCC has paid or agreed to pay an export allowance or sold wheat at competitive world prices, each copy of such evidence of export shall be accompanied by a certification by the exporter identifying all contracts with CCC which the evidence of export has been or will be applied and quantity to be applied to each contract.

(j) If export is made by vessel, plane, truck or other carrier, operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, description of the wheat, net quantity, destination country, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable.

(k) Such additional evidence of export as may be required by CCC.

§ 1483.178 Adjusted contract price.

(a) Wheat may be made available under this subpart at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that the purchaser complies with all applicable provisions of § 1483.176 and § 1483.177. If the wheat is not exported as required by this subpart excluding, however, the requirements as to time of exportation, the contract price with respect to the quantity of wheat involved shall be adjusted upward by the amount that such contract price is exceeded by the price which is the highest of the following in effect on the date of sale:

(1) CCC's statutory minimum sales price for domestic unrestricted use for the same class, grade, and quality of the wheat, as determined by CCC, or

(2) The sales price announced by CCC for sales for domestic unrestricted use of the same class, grade, and quality of the wheat, or if no such sale price has been announced, the domestic market price as determined by CCC.

(b) The total amount of any upward adjustment in contract price or liquidated damages arising under this section shall be paid by the purchaser to CCC promptly upon demand, plus interest on such upward adjustment at the rate of 6 percent per annum from the date of sale. Any upward adjustment of the contract price will not be made if CCC determines that:

(1) The wheat has been reentered (in any form or product) into the United States or Puerto Rico due to causes without the fault or negligence of the purchaser and that an equivalent quantity of wheat was, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 1483.177 hereof; or

(2) The wheat placed in transit to an export location for export under this announcement or reentered (in any form or product) into the United States including Puerto Rico was lost, damaged, destroyed, or deteriorated and that the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operation: *Provided*, That if insurance proceeds or other recoveries such as from carriers, exceed the purchase price of the quantity of wheat lost, damaged, or destroyed, plus other costs incurred by the purchaser in connection with such wheat prior to the time of its loss, the amount of such excess shall be paid to CCC.

(c) (1) Failure of the purchaser to export the wheat within the time provided in this announcement will cause serious and substantial damages to CCC's price support and other programs. Since it will be difficult to prove the amount of such damage, the purchaser shall pay to CCC by way of compensation, and not as a penalty, liquidated damages for delay in exportation not excused under

subparagraph (2) of this paragraph at the rate of 1 cent per calendar day per bushel for the number of bushels of wheat not exported commencing on the 61st day after delivery of the wheat or the day following any extension in time for exportation granted under subparagraph (2) of this paragraph and ending on the date of actual exportation: *Provided, however,* That the total amount of purchase price plus liquidated damages shall not exceed the adjusted sales price plus interest thereon from the date of sale determined as provided in this section. It is mutually agreed that such damages are a reasonable estimate of the probable actual damages. The purchaser agrees to pay such liquidated damages on demand.

(2) An extension of time for exportation may be granted, either before or after the final date for exportation, subject to such terms and conditions as CCC may prescribe, if (i) the purchaser gives CCC prompt written notice of a delay in exportation and the cause thereof, and (ii) the Director, ASCS Commodity Office, determines in writing that the delay in exportation is due solely to causes without the fault or negligence of the purchaser. Any extension of time for exportation will be equivalent to the period of time lost because of the excused delay.

§ 1483.179 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of the wheat due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

MISCELLANEOUS PROVISIONS

§ 1483.181 Covenant against contingent fees.

The exporter or purchaser warrents that no person or selling agency has been employed or retained to solicit or secure a contract under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter or purchaser for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul any such contract without liability or in its discretion in the case of export payment contracts to deduct from the export payment or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee or in the case of purchase contracts to require the purchaser to pay such amount in addition to the contract price.

§ 1483.182 Performance security.

CCC reserves the right to require any exporter or purchaser to furnish a surety bond acceptable to CCC conditioned upon his faithful performance of all provisions of his contract with CCC under this subpart or in lieu of such bond a certified check, cashier's check, or other acceptable security, including an irrevocable letter of credit in a form approved by CCC against which CCC may draw with a statement that the money is due CCC. Such bond or other security shall be in an amount determined by CCC.

§ 1483.183 Assignments and setoffs.

(a) No assignment shall be made by an exporter of any contract with CCC under this subpart or of any rights thereunder, except that the exporter may assign the payments due him under a Form CCC–521, "Report of Wheat Exported", to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of the Contracting Officer, CCC, assignment may be made to any other person: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the Instrument of Assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment," which must be used in giving notice of assignment to CCC: *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. The Form CCC–252, "Instrument of Assignment" may be executed or the assignee may use his own form of assignment. Forms CCC–252 may be obtained from the Contracting Officer, CCC, or ASCS Commodity Offices.

(b) If the exporter is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against the amount of the payment due him under a Form CCC–521, "Report of Wheat Exported." In the case of an assignment and notwithstanding such assignment, CCC may set off (1) any amount due CCC under this subpart and any amount due CCC for export wheat marketing certificates under the Export Wheat Marketing Certificate Regulations, (2) any amounts for which the exporter is indebted to the United States for taxes, with respect to which a notice of lieu was filed in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323) or any amendments or modifications thereof, prior to acknowledgment by CCC or receipt of the Notice of Assignment and (3) any amounts, other than the amounts specified in subparagraphs (1) and (2) of this paragraph, due CCC or any other agency of the United States, if the assignee was advised of such amounts at the time of acknowledgment by CCC of receipt of the Notice of Assignment.

(c) In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to any agency of the United States which may not be set off pursuant to this paragraph may be set off against any amount due and payable under this subpart which remains after the deduction of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 1483.184 Records and accounts.

Each exporter and purchaser of wheat under this subpart shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any contract in connection with this subpart shall be preserved for 3 years after final payment under the contract and shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture.

§ 1483.185 Place of submission of offers and reports.

(a) Offers to export wheat, including offers consisting of Notices of Sale under P.L. 480 and related reports required to be submitted under this subpart unless otherwise specified in these regulations should be addressed as follows:

Chief, Wheat Subsidy and Market Branch,
Procurement and Sales Division,
Agricultural Stabilization and Conservation Service,
U.S. Department of Agriculture,
Washington, D.C. 20250.

(b) Delivery to the above office of telegraphic offers to export and offers consisting of Notices of Sale under P.L. 480 will be expedited if addressed as follows:

Substaff, USDA, (AG) Washington, D.C.,
TWX 710 822 9424 or 710 822 9425,
Telex 089 491.

(c) Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C., is 202. The telephone numbers of this office are DUdley 8–3261, 8–3262, 8–3927, and 8–3928. For example, exporter may dial 202 DU 8–3261. Exporters are urged to file telephone Notices of Sale by calling DU 8–7305, 8–7306, 8–3363, or 8–3364.

§ 1483.186 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 1483.187 ASCS offices and General Sales Manager offices.

Information concerning this program may be obtained from one of the following offices:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo. 64141. Telephone: EMerson 1–0860.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance — UNiversity 9–0600 (Evanston exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2061.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226-3361.

FOREIGN AGRICULTURAL SERVICE—GENERAL SALES MANAGER

Representative of General Sales Manager, 80 Lafayette Street, New York, N.Y., 10013. Telephone: 264-3439, 3440, 3441.

Representative of General Sales Manager, Appraisers Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

§ 1483.188 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this subpart but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1483.189 Amendment and termination.

This subpart may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to export payment contracts or purchase contracts made before the effective time and date of such amendment or termination.

§ 1483.190 Written approval by the Vice President, Director, or Contracting Officer, CCC.

Where this subpart specifies certain requirements which are to be approved in writing by the Vice President, Director, or Contracting Officer, CCC, and the exporter wishes to obtain such approval, a request should be filed in writing with the office specified in § 1483.185, sufficiently in advance of expiration of the period for performance of the requirement in order for the exporter to ascertain before said period expires whether his request will be approved. Approval may also be granted after the time specified for performance of the requirement where the exporter has established good cause therefor.

NOTICE TO EXPORTERS

(AS OF MARCH 4, 1965)

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule section 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department Regulations for more detailed information if desired and for any changes that may be made herein.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Revision IV shall become effective at 3:31 p.m., e.s.t. on October 30, 1967, but shall not affect any contracts between exporters and CCC entered into under GR-345, Revision III (as amended) prior to such time.

Signed at Washington, D.C., on October 19, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-12569; Filed, Oct. 20, 1967; 3:01 p.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 996]

PART 195—CAR SERVICE

Southern Pacific Co. Authorized To Operate Over Trackage of Missouri Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of October 1967.

It appearing, that because of track damage due to floods the Southern Pacific Co. is unable to operate over its tracks between Harlingen, Tex., and Brownsville, Tex.; that this Commission is of the opinion that there is need for service to shippers located in that area; and that operation by the Southern Pacific Co. over Missouri Pacific Railroad Co. trackage between Harlingen and Brownsville, Tex., will best provide the service required in the interest of the public and the commerce of the people; that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 195.996 Service Order No. 996.

(a) *Southern Pacific Co. authorized to operate over trackage of Missouri Pacific Railroad Co.* The Southern Pacific Co. be, and it is hereby authorized to operate over trackage of the Missouri Pacific Railroad Co. between Harlingen and Brownsville, Tex.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., October 20, 1967.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-12572; Filed, Oct. 24, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 67-EA-109; Amdt. No. 39-496]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending A.D. 67-25-6 [Amdt. 39-469] so as to delete in the applicability statement the reference to all aircraft and insert the aircraft serial numbers to which the A.D. will apply.

Since this amendment is clarifying in nature and less restrictive, it imposes no additional burden on any person and therefore notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending A.D. 67-25-6 [Amdt. 39-469] as hereinafter set forth:

1. Delete the applicability sentence and insert in lieu thereof the sentence "Applies to Piper Type PA-31 Aircraft Serial Nos. 31-2 to 31-29 inclusive; 31-31 to 31-38 inclusive; 31-40 to 31-45 inclusive; 31-48, 31-54,"; insert before the word "Piper" in the parenthetical reference the phrase "Piper Service Bulletin No. 254 dated August 17, 1967, * * *".

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

This amendment is effective October 27, 1967.

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12586; Filed Oct. 24, 1967; 8:49 a.m.]

[Docket No. 67-EA-90, Amdt. 39-497]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Type Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require inspection and where applicable, repair or replacement of the elevator forward pushrod assembly on the Grumman G-164 type aircraft.

Several instances have been reported of loose rivets and elongated holes at the point where the pushrod ends attach to the pushrod tubing. This condition if permitted to continue to failure of the attachment, could result in loss of elevator control. Since this condition is likely to exist or develop in other aircraft of the same type an airworthiness directive is being issued to require inspection, repair or replacement of the assembly.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Type G-164 aircraft, Serial Numbers 1 through 400.

Compliance required as indicated.

Grumman G-164 type aircraft have experienced loose rivets which attach the rod ends of the elevator forward pushrod assembly. To detect loose rivets on the assembly, P/N A1847-1 (Aircraft Serial Nos. 1 through 100) and P/N A1847-3 (Aircraft Serial Nos. 101 through 400), accomplish the following:

(a) For aircraft with 250 or more hours' total time in service on the effective date of this AD comply with paragraph (c) within the next 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(b) For aircraft with less than 250 hours' total time in service on the effective date of this AD comply with paragraph (c) before the accumulation of 300 hours' total time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(c) Visually inspect the fore and aft ends of the pushrod assemblies to determine if there are loose rivets or elongated holes.

(d) If loose rivets or elongated holes are found during the inspection required in paragraphs (a) or (b), before further flight, remove rivets (four places) and repair as follows:

(1) Line ream original rivet holes 0.190 ±0.001 inch (four places).

(2) Install AN3-13A bolt, AN960-10 washer (under nut), and AN365-1032 nut (four places).

If holes have been elongated in excess of 0.191 inch, repair as follows:

(3) Line ream original rivet holes 0.250 ±0.001 inch (four places).

(4) Install AN4-14A bolt, AN960-416 washer (under nut), and AN365-428 nut (four places).

If holes have been elongated in excess of 0.251 inch then replace the assembly.

(e) The repetitive inspection required by paragraphs (a) and (b) of this AD may be discontinued upon accomplishment of the repair specified in paragraph (d) or equivalent repair approved by the Chief, Engineering & Manufacturing Branch, FAA Eastern Region.

(f) Upon request, with substantiating data submitted through an FAA maintenance inspector, compliance time may be increased by the Chief, Engineering & Manufacturing Branch, FAA Eastern Region.

This amendment is effective on October 27, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12587; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. 67-EA-93, Amdt. 39-499]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require alteration of the APU fire detection system on F-27 and FH-227 type airplanes.

There have been instances of undetected fires in the APU compartment as a result of deficiencies in the APU fire detection system. Since this condition is likely to develop in airplanes of the same type, the amendment would require alteration and replacement of components of the system.

Since a situation exists that required immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD HILLER. Applies to all F-27J and FH-227 aircraft with installed Solar Auxiliary Power Unit Model T-62T-25, Serial Nos. S-408000 to S-408099, inclusive.

Compliance required as indicated unless already accomplished, or unless APU is rendered electrically inoperative and APU controls are placarded to prohibit operation.

To provide adequate APU fire detection system reliability and sensitivity, accomplish the following modifications:

(a) Within the next 100 operational APU hours following the effective date of this AD, install an additional fire detector, Solar P/N 7447-2 (set at 400±25° F.) in accordance with Fairchild Hiller Service Bulletin Nos. F27-49-4 Revision 3 dated September 25, 1967, or FH 227-49-4 Revision 3 dated September 25, 1967, as applicable, or later FAA approved revision, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Within the next 100 operational AHU hours following the effective date of this AD, install MIL-W-25038B fire resistant wire in the fire detection circuit in accordance with Fairchild Hiller Service Bulletin Nos. F27-49-6 dated July 10, 1967, or FH227-49-6 dated July 10, 1967, as applicable, or later FAA approved revision, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Within the next 200 operational APU hours following the effective date of this AD, replace the two existing 700° fire detectors, Solar P/N 7447-1 with two 400±25° F. fire detectors Solar P/N 7447-2.

NOTE: Compliance with paragraph (c) may be accomplished by arranging for the detector manufacturer, Fenwal, Inc., of 900 Main Street, Ashland, Mass. 01721, to reset existing 700° F. detectors to 400±25° F. and reidentify the detector by P/N 7447-2.

(d) Upon the effective date of this AD, APU operational hours will be logged until such time as the entire AD has been complied with.

This amendment is effective on October 27, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12589; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. 67-EA-105, Amdt. No. 39-498]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require a modification of the power to the copilot's flight instruments on F-27 and FH-227 aircraft and permit an alternate source of supply.

The present source of power for the copilot's attitude, turn and bank and gyroscopic direction indicators is the aircraft's D.C. system. A loss of this system

by a single ground fault would result in loss of all the indicators. The airworthiness directive would require a modification so as to use the right engine driven emergency alternator as an emergency source of power.

Since a situation exists that requires immediate adoption of this amendment it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD HILLER. Applies to Type F-27 and FH-227 Airplanes.

Unless already accomplished, compliance is required within the next 200 hours' time in service after the effective date of this AD. To compensate for the loss of electrical power to the copilot's flight and navigation instruments (attitude, turn and bank, and gyroscopic direction indicators), in the event of a single ground fault in the D.C. power system, accomplish the following:

(a) In aircraft where the emergency electrical power to operate the copilot attitude indicator, turn and bank indicator, and gyroscopic direction indicator is derived from the D.C. power system, modify the emergency electrical power system for these instruments in a manner such that the emergency electrical power is derived from the right engine driven emergency alternator. Accomplish this by loading the emergency alternator (increasing the power factor to unity) to allow it to adequately power the three (3) instrument systems. The modifications must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Modifications accomplished in accordance with Fairchild Hiller FH-227 Service Bulletin 24-1, dated April 25, 1967, or Fairchild Hiller FH-227 Service Bulletin 24-2, dated May 22, 1967, for the serial number applicable in the Bulletins, or later FAA-approved revisions, are acceptable for showing compliance with this Airworthiness Directive.

(c) Upon request, with substantiating data submitted through an FAA maintenance inspector, compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective October 27, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12588; Filed, Oct. 24, 1967; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-AL-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Areas

On October 10, 1967, F.R. Doc. No. 67-11912 was published in the FEDERAL REGISTER (32 F.R. 14061) and in part designated Control 1234 effective December 7, 1967. In the description of Control 1234 the point of beginning was incorrectly stated as lat. 58°07'00" N., long. 161°46'00" W., whereas it should have been stated as lat. 58°07'00" N., long. 160°00'00" W.

Since this is a minor change from the configuration as proposed in the notice, in which the public is not particularly interested, the Administrator has determined that further notice and public procedure thereon is unnecessary and this change may be adopted in the rule.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 67-11912 (32 F.R. 14061) is amended as follows:

In § 71.163 Control 1234 is amended by deleting "lat. 58°07'00" N., long. 161°-46'00" W." and substituting "lat. 58°-07'00" N., long. 160°00'00" W." therefor.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 18, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-12591; Filed, Oct. 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-CE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 11574 and 11575 of the FEDERAL REGISTER dated August 10, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Kansas City, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The title of the control zone designation of "Kansas City, Mo." is changed to read "Kansas City, Mo. (Mid-Continent International Airport)".

This amendment shall be effective 0001 e.s.t., January 4, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

KANSAS CITY, MO. (MID-CONTINENT INTERNATIONAL AIRPORT)

That airspace within a 5-mile radius of Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'35" W.), and within 2 miles each side of the Kansas City VORTAC 276° radial extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zones.

[F.R. Doc. 67-12592; Filed, Oct. 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-EA-58]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the time of designation of Restricted Areas R-5503 and R-5504, Wilmington, Ohio, from eastern standard time to local time.

The Department of the Air Force has requested the Federal Aviation Administration to change the time of designation of Restricted Areas R-5503 and R-5504, Wilmington, Ohio, so as to make them available 1 hour earlier during the morning hours and to end 1 hour earlier than presently designated during the months that daylight savings time is in effect. As currently designated when daylight savings time is in effect, these restricted areas are actually effective from 0900-2300 hours eastern standard time. The USAF states that this is not desirable since many test flight missions are ready to become airborne before 0900 hours local. The FAA, with the concurrence of the Air Force, has determined that the military requirement for these restricted areas can be satisfied by changing the time of designation from eastern standard to local time. The effective time would then commence at 0800 hours and end at 2200 hours each day the area is used, irrespective of whether daylight savings time or standard time is in effect. No change will occur in the total number of hours of designation.

Since this change will satisfy the need of the Air Force and will not increase the number of hours the restricted areas are effective it is determined that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., December 7, 1967, as hereinafter set forth.

In § 73.55 (32 F.R. 2327), the time of designation for Restricted Areas R-5503 and R-5504, Wilmington, Ohio, is amended to read:

Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-12593; Filed, Oct. 24, 1967; 8:50 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8459, Amdt. 564]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grimes Int	Tudor Int	ILA, R 086°	2000	T-dn	300-1	300-1	200-½
Marysville VOR	Tudor Int	MYV, R 173°	2000	C-dn*	500-1	500-1	500-1¼
Tudor Int	LOM (final)	Direct	1600	S-dn-16	400-1	400-1	400-1
Newcastle Int	Tudor Int	ILA, R 086°, SAC, R 342°, lead radial.	3000	A-dn	800-2	800-2	800-2
Sacramento VOR	LOM	Direct	2000				

Radar available.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 162°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 5.2 miles after passing LOM, make a right-climbing turn, proceed direct to LOM and continue climbing to 2000' in a 1-minute holding pattern N of the LOM (right turns, 342° Outbnd, 162° Inbnd), or when authorized by ATC, climb to 2000' on 162° bearing from the SM LOM and 329° radial of SAC VOR to the SAC VOR.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
MSA within 25 miles of LOM: 000°-180°—4000'; 180°-270°—4100'; 270°-360°—3200'.

City, Sacramento; State, Calif.; Airport name, Sacramento County Metropolitan; Elev., 23'; Fac. Class., LOM; Ident., SM; Procedure No. NDB(ADF) Runway 16, Amdt. Orig.; Eff. date, 27 Oct. 67 or upon commissioning of ILS

2. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAC VOR	10-mile DME, R 334° (final)	Direct	1300	T-dn	300-1	300-1	200-½
				C-dn*	500-1	500-1	500-1¼
				S-dn-34#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Approach crs, SAC R 334° Outbnd from 10-mile DME fix.
Minimum altitude over 10-mile DME R 334° on final approach crs, 1300'; over 12-mile DME R 334°, 800'.
Crs and distance, 10-mile DME R 334° to airport, 334°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 14.6-mile DME Fix, R 334°, turn right and proceed direct to the LOM, continuing climb to 2000' in a 1-minute holding pattern N of the LOM, right turns (342° Outbnd, 162° Inbnd), or when directed by ATC, turn left and proceed to the SAC VOR via R 229°, climbing to 2000'.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
#Reduction in visibility not authorized.
MSA within 25 miles of SAC VOR: 000°-180°—4000'; 180°-270°—3000'; 270°-360°—4000'.

City, Sacramento; State, Calif.; Airport name, Sacramento County Metropolitan; Elev., 23'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. VOR/DME Runway 34, Amdt. Orig.; Eff. date, 27 Oct. 67 or upon commissioning of ILS

3. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grimes Int	Tudor Int	ILA, R 066°	2000	T-dn	300-1	300-1	200-½
MYV VOR	Tudor Int	MYV, R 173°	2000	C-dn*	500-1	500-1	500-1¼
Newcastle Int	Tudor Int	ILA, R 086°	3000	S-dn-16	200-½	200-½	200-½
		SAC, R 342° lead radial.		A-dn	600-2	600-2	600-2
SAC VOR	LOM	Direct	2000				
Harter Int	Tudor Int	LOC N crs	2000				
Tudor Int	LOM (final)	LOC N crs	1600				

Radar available.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1491'—5.2 miles; at MM, 214'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 4.7 miles after passing OM, climb straight ahead to 322', turn right to heading 300°, continue climb to 2000' and proceed to Yolo Int via SAC R 320° or, when authorized by ATC, climb to 2000' on the S crs of the localizer and R 329° to SAC VOR.
NOTE: When authorized by ATC, DME may be used at 28 miles from the SAC VOR at 3000' between R 329° and R 036° clockwise to position aircraft on SMF localizer N crs for straight in approach with elimination of procedure turn.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
MSA within 25 miles of LOM: 000°–180°—4000'; 180°–270°—4100'; 270°–360°—3200'.

City, Sacramento; State, Calif.; Airport name, Sacramento County Metropolitan; Elev., 23'; Fac. Class., ILS; Ident., I-SMF; Procedure No. ILS Runway 16, Amdt. Orig.; Eff. date, 27 Oct. 67 or upon commissioning of ILS

SAC VOR	El Macero Int	SAC, R 310°	2000	T-dn	300-1	300-1	200-½
Elmira Int	El Macero Int	SAC, R 216° and S crs LOC.	2000	C-dn*	500-1	500-1	500-1¼
				S-dn-34#	400-1	400-1	400-1
Courtland Int	El Macero Int	SAC, R 195° and S crs LOC.	2000	A-dn	800-2	800-2	800-2
El Macero Int	Rice Int (final)	S crs LOC	1600				

Radar available.
Procedure turn not authorized. Approach crs, 342° Inbnd from El Macero Int.
Minimum altitude over El Macero Int on final approach crs, 2000'; over Rice Int, 1600'.
Crs and distance, Rice Int to airport, 342°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 5.5 miles after passing Rice Int, proceed direct to the LOM, climbing to 2000' and hold N of LOM in 1-minute pattern, right turns (342° Outbnd, 162° Inbnd), or when directed by ATC, turn left, climb to 2000' to SAC VORTAC via R 329°.
*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.
#400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Sacramento; State, Calif.; Airport name, Sacramento County Metropolitan; Elev., 23'; Fac. Class., ILS; Ident., I-SMF; Procedure No. LOC (BC) Runway 34, Amdt. Orig.; Eff. date, 27 Oct. 67 or upon commissioning of ILS

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 6, 1967.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-12014; Filed, Oct. 24, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 106—LEASE GUARANTEE

Miscellaneous Amendments

Part 106 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended:

§ 106.3 [Amended]

1. By deleting paragraphs (i) and (j) of § 106.3.

2. By revising § 106.4 to read as follows:

§ 106.4 Eligibility.

In order to be eligible for guarantee of the lease, the lessee must be a small business concern as defined under § 106.3(c).

3. By revising subparagraph (1) of paragraph (c) and paragraph (e), deleting subparagraph (2) of paragraph (g), and adding a new paragraph (h) in § 106.6, all to read as follows:

§ 106.6 Lease guarantees.

* * * * *

(c) Fees:

(1) *Guarantee fee.* The fee for any guarantee shall be due not later than the effective date of the lease guarantee and shall be paid in advance.

(i) The minimum term of a lease which the Administrator will guarantee directly is 15 years. The maximum term is 20 years.

(ii) The minimum term of a lease in the guarantee of which the Administrator will participate is 5 years and the maximum term is 20 years.

(iii) The Administrator cannot participate in any guarantee for which the premium and other charges are unreasonable. For this purpose and for the purpose of a lease which the Administrator guarantees directly, the Administrator has found that the following schedule of premiums and other charges (except processing fees) for guarantee of lease terms from 5–20 years constitutes maximum such charges:

Term of lease in years	Maximum reasonable charges (as percentage of total minimum rent guaranteed)[1]
5	6.5
6	5.9
7	5.3
8	4.8
9	4.4
10	4.0
11	3.7
12	3.4
13	3.1
14	2.9
15	2.8
16	2.6
17	2.4
18	2.3
19	2.2
20	2.1

[1] Not including processing fee.

SBA's share of the premium of any such participation shall not exceed 2½ percent of the aggregate of the minimum annual rental payable in accordance with the provisions of the guaranteed lease.

(iv) The portion of the total premium charged in the event of participation to be paid to the SBA will be determined by negotiations and shall depend upon the degree and extent of the participation.

* * * * *

(e) Feasibility study: If application is made for guarantee of three or more leases of premises in a proposed development, the application must be accompanied by a feasibility study provided by the applicant.

* * * * *

(g) Minimizing the risk:

(1) [Deleted]

* * * * *

(h) The Administrator may waive any of the requirements set forth in this section upon a proper showing that such waiver will not impair the purposes of the lease guarantee and will not be contrary to the provisions of Title IV of the Small Business Investment Act of 1958, as amended.

Effective date. October 16, 1967, except changes Nos. 1 and 2 of this Amendment which shall become effective January 9, 1968.

Dated: October 10, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-12556; Filed, Oct. 24, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 246—RESERVE FORCES FACILITIES PROJECTS

The Deputy Secretary of Defense approved the following on September 7, 1967:

Sec.
246.1 Purpose.
246.2 Applicability.
246.3 Definitions.
246.4 Policies.
246.5 Projects not exceeding $50,000 minor construction, restoration of damaged facilities, and repair of facilities.
246.6 Exceptions.
246.7 Coordination.

AUTHORITY: §§ 246.1 to 246.7 issued under Title 10, United States Code, section 2202.

§ 246.1 Purpose.

This part is reissued to publish current policy on the acquisition of facilities for the reserve components of the Armed Forces, including minor construction and repair of facilities.

§ 246.2 Applicability.

The provisions of this part apply to all facilities used or to be used by the reserve components of the Armed Forces as defined in section 261 of Chapter 11, Title 10, United States Code.

§ 246.3 Definitions.

(a) *Facility.* Includes any interest in land, armory or other structure, and storage or other facility normally needed for the administration and training of any unit of the reserve components of the Armed Forces.

(1) *Armory.* A primary structure that houses one or more units of a reserve component and is used for training and administering those units. It includes a structure that is appurtenant to such primary structure and houses equipment used for that training and administration. For the purpose of this part, it is restricted to a facility designed for home station training. The specific terminology used by the military departments may be in accordance with the customs of the respective departments, e.g., National Guard Armory, Army Reserve Center, Naval Reserve Training Center, Marine Corps Reserve Training Center, Air Reserve Center, etc. When occupied by reserve components of more than one military department it shall be known as an "Armed Forces Reserve Center." Separate identification may be indicated for the exclusive-use space occupied therein by the respective components.

(2) *Nonarmory facility*—(i) *Administrative and logistic support facility.* E.g., field maintenance shop, warehouse, office, and such other type structures.

(ii) *Training support facility.* E.g., aviation facility, weekend training site, range, active duty training site, ships operating facility, and such other related facilities.

(b) *Reserve structure.* The organization of a reserve component, as authorized by the Secretary of Defense, with a planned manning level approved by the military department secretary concerned, of participating personnel in paid status, to meet approved mobilization requirements.

(c) *Authorized strength.* The planned manning level, approved by the military department secretary concerned, of personnel in pay groups A, B and C, DoD Directive 1215.6 (Part 102 of this chapter).

(d) *Program.* A plan for the acquisition of additional facilities and/or replacement of existing facilities by purchase, transfer and construction, and for the expansion, rehabilitation, conversion and equipping of such facilities.

(1) *Long range program.* A Program, correlated and in consonance with the latest approved update of the Five-Year Defense Program, DoD Directive 7045.1[1] and DoD Instruction 7045.3[1] composed of projects by location, type and size of facility, and estimated cost, encompassing all foreseeable requirement, and indicating the projects for which it is contemplated that authorization will be requested in the annual program of each of the 5 succeeding fiscal years; to be listed alphabetically by State and location therein, preceded by a summary page showing the numbers of projects and aggregate estimated costs for each year of the 5-year program period plus the residual no-year increment.

(2) *Annual program.* A single fiscal year increment of the Long-Range Program, supported by justification data as specified on DD Forms 1390, 1390s and 1391[2] and by the certifications required by DoD Instruction 1200.10.[1]

(e) *Metropolitan plan.* A plan developed by each component, and coordinated among the military departments, for urban areas (100,000 or more population) in which facilities have been or will be programed, to provide for multiple installations in order to insure the maximum reserve training accessibility to obligated reservists and the minimum inconvenience to community activities and civilian pursuits.

(f) *Criteria.* Standards developed by the respective military departments and approved by the Assistant Secretary of Defense (Installations and Logistics) or his designee for each type facility, expected to be repetitive in nature, included in the programs of the military departments. These standards include functional space allowances and construction (quality) guidance.

(g) *Unit.* Any military element whose structure is prescribed by competent authority such as a table of organization and equipment.

§ 246.4 Policies.

(a) *General.* Those facilities will be provided which are essential for the proper development, training, operation, support (including troop housing and messing) and maintenance of the reserve components to meet approved mobilization requirements for units in the Reserve Structures and/or individual reservists with specific mobilization assignments. All proposed projects for the reserve components, involving the use of authority contained in Chapter 133, Title 10, U.S.C. as amended in excess of $25,000 for any one project or location, except projects not in excess of $50,000 for the restoration of damage, shall be submitted

[1] Filed as part of original; single copies may be obtained from Publications Branch, OASD (Administration), Room 3B-200, Pentagon, 22301, Ext. 52167.

[2] Filed as part of original.

to the ASD (I&L) or his designee for approval, and for notification of the Congress as required in compliance with 10 U.S.C. 2233a as amended. No project shall be incremented in order to circumvent this limitation. Any subsequent increase in the estimated cost of a project exceeding 15 percent over the cost as initially approved shall be submitted with justification for appropriate adjustment of the approval and notification of the Congress prior to award of the construction contract; project cost increases not exceeding 15 percent may be approved by competent authority within the military departments; all such increases, however, must be within the approved total program authorization available.

(b) *Specific*—(1) *Programs.* Annual and updated long-range programs for each reserve component shall be submitted to the ASD (I&L) or his designee by the respective military departments annually by 1 October or such earlier date as they may be called for in order to accord with annual legislative and budgetary schedules.

(2) *Requirements.* As a basis for the annual reexamination of the total requirements for inactive duty training facilities, the total of the authorized strengths as defined in § 246.3(c) for all units and/or locations of each reserve component may not exceed 110 percent of the approved annual projections for budget purposes of the total of pay groups A, B and C. The added 10 percent is intended to provide a reasonable degree of flexibility in the overall planning of the utilization of these facilities, but is not intended to be used for the express purpose of increasing the allowable size of a specific facility or creating a requirement for the purchase or construction of a facility at a location which otherwise would not be eligible therefor.

(3) *Methods for acquisition of reserve forces facilities.* In fulfilling facilities requirements, the following methods shall be considered in the order of preference listed, and that method selected which will satisfactorily meet the requirement in the most economical manner on a long-range basis, the purpose being to provide facilities suitable and adequate for the training mission and its attendant supporting activities:

(i) Utilization of existing facilities which are not being fully utilized, including facilities of the other reserve components, and the active armed forces.

(ii) Utilization of real property excess to the needs of any of the military departments or other Federal agencies, by transfer, use agreement, or permit.

(iii) Lease or donation of privately owned or publicly owned space which can fill, or can be modified at reasonable cost to meet the requirement.

(iv) Construction of additions to existing facilities of the reserve components or regular forces, or on property already controlled by them, with provision for maximum joint or common use of existing space and facilities.

(v) Purchase of existing real property suitable for the purpose without uneconomical remodeling or renovation.

(vi) Construction of a new facility by two or more reserve components as a joint venture. If such construction at a single location cannot be accomplished concurrently because of unreconcilable disparity in priorities or for other cogent reason, provision will be made in the design and siting of the inital structure for later expansion.

(vii) Unilateral construction of a new facility by a single component, this method to be resorted to only after all of the above methods have been carefully examined and found to be impractical or uneconomical.

(4) *Joint facilities.* The military departments shall accomplish joint acquisition and/or use to the maximum extent practicable, and, for each proposed armory-type facility, shall furnish factual justification to support their conclusion that joint facilities are not practicable. Military department programs will be coordinated at the departmental level for the joint acquisition/use aspect, prior to submission to the ASD (I&L) or his designee. As a general principle, the host service (service having the majority interest in the facility) will program all costs for acquisition to meet minimum requirements of that service. The tenant service (service having a minority interest in the facility) will program all costs for acquisition, as well as additional utilities and mechanical service, required in excess of that required by the host service. Within the provisions of DoD Directive 5100.10 (27 F.R. 8630) the ASD (I&L) or his designee may require such adjustments in project priorities and scope, host/tenant relationships, and sharing of project costs as may be deemed essential to achieve the practicable maximum of joint utilization of facilities.

(5) *Projects.* (i) Armory and nonarmory projects will be consolidated at a single location to the extent feasible.

(ii) Facilities acquired for equal or principal use of the active forces will be programed by the active forces.

(iii) Facilities acquired for sole or principal use of the reserve components will be programed by the reserve components.

(iv) As provided in Chapter 133, Title 10, U.S.C., as amended, Federal contributions to the States, and Puerto Rico and the District of Columbia for the expansion, rehabilitation or conversion of existing armory facilities made necessary by the conversion, redesignation or reorganization of units of the Army National Guard of the United States, may be at 100 percent of the cost involved, upon determination by the ASD (I&L) or his designee of such necessity.

(v) The size of each facility to be constructed shall be based generally upon authorized strength in units and/or individuals together with the quantity and type of equipment and supplies required for proper training in the facility, in consonance with space and facilities criteria approved or established by the ASD (I&L) or his designee. Facilities acquired for reserve component use, other than by construction shall adhere to such criteria as closely as may be practicable, consistent with the physical characteristics of existing structures.

(vi) *Dispossession.* Whenever it becomes necessary for the regular military forces to dispossess or relocate permanently housed units of the reserve components which are not mobilized, the dispossessing agency shall provide for replacement facilities equal to those from which dispossessed, or otherwise provide facilities acceptable to the department having cognizance over such dispossessed reserve component unit(s), which will meet approved space requirements, including storage, so as not to impede the execution of training programs. The foregoing provisions of this paragraph shall not apply in the case of the dispossessing of a tenant unit which has been permitted use of space specifically on a temporary or interim basis pending acquisition by that tenant of exclusive or sole-use space.

(vii) *Armory projects.* (a) Maximum utilization of armories shall be effected consistent with preservation of unit integrity. In the interest of optimum utilization, training at multiple-unit locations should be spread over a period of four nights per week or four weekends per month where local conditions and efficient administration of the training program make this practicable and economical.

(b) Each military department, in planning its armory program, shall establish an authorized strength for each existing and/or programed armory. The facilities requirement at any location will be based upon such authorized strength, as specified in § 246.4(b)(2). An armory project may be programed when the actual strength is 50 percent of authorized strength or design capacity of the proposed armory. Construction will not be started until the actual strength is a minimum of 75 percent of authorized strength or design capacity of the proposed armory.

(c) Armories will not be acquired by purchase and/or construction at Federal expense at a location which has a unilateral actual strength of less than 55, or a combined (joint) actual strength of less than 100. Requirements for units of lesser strength will be justified on an individual basis under the provisions of § 246.6.

(viii) *Nonarmory projects.* Administrative and logistic support facilities will be consolidated with training support facilities to the extent practicable.

(ix) *Types of construction.* New facilities for the reserve components will be permanent-type construction except (*a*) facilities at "weekend" and "summer" training sites, and (*b*) facilities considered essential for functions for which the long-range need may be uncertain, in which cases the quality and scope of construction will be held to a level consistent with the certainty of the requirement. Facilities which serve a combination of inactive duty training and "summer training" may be of permanent-type construction when so justified and approved for each specific project.

Standardized plans, specifications, space criteria and construction standards shall be devised and used to the maximum extent practicable in the acquisition of facilities for the reserve components with Federal funds. Such standardized plans and specifications, or corresponding space criteria and construction standards, shall be submitted to and approved by the ASD (I&L) or his designee prior to their acceptance as standards, and necessary exceptions thereto similarly shall be submitted and approved.

(x) *Site plans or master plans.* For all projects other than armories and training centers, there shall be submitted with the project proposal one copy of the site plan or master plan of the installation clearly depicting the proposed project(s) in relation to existing and projected facilities at the installations.

§ 246.5 Projects not exceeding $50,000, minor construction, restoration of damaged facilities, and repair of facilities.

(a) (1) *Projects not exceeding $50,000.* No project the cost of which exceeds $25,000 shall be undertaken unless approved in advance by the ASD (I&L) or his designee, and a project costing more than $10,000 must be approved in advance by the Secretary of a military department or his designee who shall not be below the Office of an Assistant Secretary or the department concerned. Projects approved within these limits must not exceed applicable established criteria nor consist of repetitive types of facilities for which criteria have not been established as provided in § 246.4(b)(5)(ix). The justification of construction projects not exceeding $50,000 submitted to the ASD (I&L) or his designee, shall provide the same informational, technical and cost data as is required for major construction projects, together with affirmation of the non-availability of existing facilities capable of fulfilling the respective requirements.

(2) *Minor construction.* The term "minor construction" shall be applied to projects for the Reserve Forces not exceeding $50,000 in cost which are to be accomplished under the exemption provided by 10 U.S.C. 2233a, unless they are to be accomplished utilizing the lump sum construction authorizations provided for the respective Reserve Forces by the annual Reserve Forces Facilities Authorization Acts, in which case the term "minor construction" does not apply thereto.

(b) *Restoration of damaged facilities.* No project for the restoration of damaged facilities the cost of which exceeds $50,000 may be undertaken unless approved in advance by the ASD (I&L) or his designee, and no such project the cost of which exceeds $25,000 may be undertaken unless approved by the Secretary of a military department or his designee. Such projects which exceed $50,000 normally shall be accomplished within available lump sum authorizations provided by the annual Reserve Forces Facilities Authorization Acts. The content of the justification submitted for projects for restoration of damaged facilities should be as prescribed in § 246.5(a)(2), and in addition, statements should be made assuring that (1) the projects are in fact restorations or replacements of facilities that have been damaged, (2) no increased scope will be realized, (3) the quality of construction proposed is comparable with that originally damaged or destroyed, allowing however for improved materials and equipment to conform with current design practice and to minimize the possibility of future damage, and (4) the quantitative and qualitative criteria in accordance with § 246.4(b)(5)(ix).

(c) Subject to the provisions of paragraphs (a) and (b) of this section, essential projects not exceeding $25,000 in cost may be accomplished from funds available for maintenance and operation, under the provisions of 10 U.S.C. 2233a(2) when the project requests and approvals so specify.

(d) Subject to the fiscal limitations otherwise prescribed by competent authority, projects which under the provisions of paragraphs (a) and (b) of this section do not require prior approval by the ASD (I&L) or his designee are considered to become "approved facilities" within the provisions of paragraph I.C. of DoD Directive 5100.10 (27 F.R. 8630) at such time as said projects are authorized by a Secretary of a military department or his designee, provided each such project authorization contains a determination that the project does not involve a change in the number of units or reduce the joint utilization potential of a facility in contravention of 10 U.S.C. 2234. Any such project for which this determination cannot be made at the military department level shall be submitted to the ASD (I&L) or his designee.

(e) *Repair of facilities.* Projects for repair of facilities as defined in DoD Directive 7040.2 [1] will be accomplished under the Operation and Maintenance programs and no such project the cost of which exceeds $50,000 or 50 percent of the estimated cost of complete replacement of the facility shall be undertaken unless approved in advance by the ASD (I&L) or his designee. At the time of submission of requests for apportionment of funds for the Operation and Maintenance program, justifications for projects within the program which require approval pursuant to provisions of this part will be provided for review, to the extent then available. These justifications shall include sufficient descriptive, technical and cost data to validate the requirement and support the urgency of the project. Projects for which the justifications were not available, or the requirement was not known, at the time of the request for apportionment, subsequently shall be submitted to the ASD (I&L) or his designee for approval prior to initiation of the projects. The ASD (I&L) or his designee shall furnish to the Assistant Secretary of Defense (Comptroller) or his designee appropriate recommendations concerning the projects.

[1] Filed as part of original; single copies may be obtained from Publications Branch, OASD (Administration), Room 3B-200, Pentagon, 22301, Ext. 52167.

§ 246.6 Exceptions.

Exceptions to the provisions of this part may be granted by the ASD (I&L) or his designee when such exceptions are conclusively demonstrated by the military departments to be essential at a specific location.

§ 246.7 Coordination.

In order to assure the correlation of the related program and budgetary aspects of the Reserve Forces Facilities projects covered by this part and to expedite the financing actions related thereto, the ASD (I&L) or his designee will coordinate all relative actions taken by him or his designee under this Part with the ASD (Comptroller) or his designee.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-12528; Filed, Oct. 24, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901—APPOINTMENT TO THE USAF ACADEMY

Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Part 901 is revised to read as follows:

Sec.
901.1 Purpose.
901.2 Policy.
901.3 Appointment vacancies.
901.4 Source of nomination.
901.5 Basic requirements.
901.6 Nomination requirements and procedures.
901.7 Where applicant reports.
901.8 How to notify USAFA (CRA) of change of address or station assignment.
901.9 Suggested letter formats.

AUTHORITY: The provisions of this Part 901 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, 9331-9355, Pub. L. 88-276, Mar. 3, 1964, and Pub. L. 89-650, Oct. 13, 1966, except as otherwise noted.

SOURCE: AFR 53-10, Aug. 31, 1967.

§ 901.1 Purpose.

This part explains application procedure and appointment to the Air Force Academy.

§ 901.2 Policy.

Persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

§ 901.3 Appointment vacancies.

Appointment vacancies are authorized by law to specific nominating authorities.

§ 901.4 Source of nomination.

(a) U.S. Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Commissioners of the District of Columbia.

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of Deceased or Disabled Veterans competitive category.

(h) Honor Military and Honor Naval Schools, and Air Force Reserve Officers' Training Corps (AFROTC) and Air Force Junior Reserve Officers' Training Corps (AFJROTC) competitive category.

(i) Sons of Congressional Medal of Honor winners.

(j) Allied Students, ("Designated"—"To receive instructions" 10 U.S.C. 9344, 9345).

§ 901.5 Basic requirements.

All applicants must meet these basic requirements:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1 of the year in which he enters the Air Force Academy. A nominee is required to legally substantiate his date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have this date seen the original certificate of citizenship number ------ stating that ---------- was granted U.S. Citizenship by the ---------- on ----------
(name of court) (date)
The following person was named in the certificate as a minor child ----------
(name of child)
-------- age -------.

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances, as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* An applicant nominated by an authority designated in § 901.4 (a) or (b) must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to USAFA (CRA), USAF Academy CO 80840 on any military applicant or nominee whose official records indicate questionable background as indicated in subparagraphs (1) through (6) of this paragraph:

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (paragraph 128b, p. 229, MCM 1951) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance.

(6) Any behavior, activity, or associations which tend to show that he is of questionable moral character or reputation.

(e) *Physical standards.* Each applicant must meet the physical requirements outlined in AFM 160-1 (Medical Examination and Medical Standards).

(f) *Marital status.* Applicant must not be and must never have been married. Cadets are not permitted to marry until after graduation.

§ 901.6 Nomination requirements and procedures.

Young men desiring appointment to the Air Force Appointment must meet the basic requirements listed in § 901.5, and must obtain a nomination. After an applicant has been notified that he has been nominated, he addresses all correspondence, forms, etc., to USAFA (CRA), USAF Academy CO 80840. Nominees are scheduled for testing by the Director of Admissions USAFA (CRA) who also notifies military applicants of their eligibility or ineligibility to be scheduled for final testing.

(a) *Congressional, District of Columbia, and U.S. possessions.* A U.S. citizen domiciled in one of the 50 States may apply directly to the U.S. Senators of his State and the Representative of his congressional district. Persons domiciled in the District of Columbia apply to the District Commissioners. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Congressional nominations are submitted by the nominating authorities between June 1 and January 31 for the class entering the following June. Send applications to the nominating authority before or early in the nominating period. See § 901.9(a) for sample letter format. Address all inquiries concerning status of applications to the nominating authority.

(b) *Presidential (competitive).* The son of a Regular or Reserve member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent is on active duty and has completed 8 years continuous active duty service (other than for training) by the close of the application period (November 30);

(2) His parent was retired with pay or was granted retired or retainer pay (sons of Reservists retired while not on active duty status are ineligible);

(3) His parent died after retiring with pay or after being granted retired or retainer pay (sons of deceased Reservists who were retired while not on active duty status are ineligible); or

(4) He does not meet the eligibility requirements for the Sons of Deceased or Disabled Veterans (SODDV) appointment category. (By law, a person eligible for appointment consideration under the SODDV category may not be a candidate in the Presidential category.)

An adopted son is eligible if adoption proceedings were initiated before his 15th birthday. An eligible individual may apply to USAFA (CRA), USAF Academy CO 80840, in accordance with § 901.9(b), requesting nomination. The nominating period opens on June 1 and closes on November 30. Applicants must not write directly to the President of the United States, since these appointments are administered by the Air Force.

(c) *Vice Presidential.* Any individual who meets the basic eligibility requirements of § 901.5 may apply for nomination to the Vice President, U.S. Senate, Washington, D.C. 20510. The Vice President may submit nominations to the Academy between June 1 and January 31 for the class entering the following June. It is important to submit a request for nomination before or early in the nominating period. See § 901.9(c) for sample letter format. Address all inquiries concerning status of application to the nominating authority.

(d) *Sons of deceased or disabled veterans (competitive).* The son of a deceased or disabled member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent was killed in action or died of wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

(2) His parent had or now has a service-connected disability rated at not less than 100 percent resulting from wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

An individual eligible for a nomination in this category may submit a written request to USAFA (CRA), USAF Academy CO 80840, in accordance with § 901.9(d). The nominating period opens on June 1 and closes on November 30.

(e) *Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).* (1) Honor military and honor naval schools: Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 901.5. Use forms provided by the Academy to submit nominations to USAFA (CRA), USAF Academy CO 80840. Make nominations between June 1 and January 31 for the class entering the following June. Nominations are not limited to honor

graduates of the current year. An individual eligible for nomination in this category applies to the administrative authority of his school.

(2) College or university AFROTC and high school AFJROTC: (i) One student from each college or university AFROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The college or university student applies for nomination to the professor of aerospace studies, who must certify that the applicant meets the basic eligibility requirements listed in § 901.5, and will have completed satisfactorily 1 year of scholastic work at the time the class for which he is applying enters the Academy. The professor of aerospace studies uses the form provided by the Academy to recommend for nomination the best qualified applicant to the president of the educational institution in which the AFROTC unit is established. The president of the institution submits the nomination to USAFA (CRA), USAF Academy CO 80840, by January 31 of the year in which the applicant desires appointment.

(ii) One student from each high school AFJROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The high school student applies for nomination to the aerospace education instructor, who must certify that the applicant meets the basic eligibility requirements listed in § 901.5, and, by the end of the school year, will have successfully completed the prescribed AFJROTC program and be awarded a certificate of completion and a high school diploma. The aerospace education instructor uses the form provided by the Academy to recommend for nomination the best qualified applicant to the principal of the high school in which the AFJROTC unit is established. The principal of the high school submits the nomination to USAFA (CRA), USAF Academy CO 80840, by January 31 of the year in which the applicant desires appointment.

(f) *Sons of Congressional Medal of Honor winners.* The son of any Congressional Medal of Honor winner who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he is admitted to the Academy. An applicant must write to USAFA (CRA), USAF Academy CO 80840 requesting a nomination in this category. The nominating period opens on June 1 and closes on January 31. The letter must include:

(1) Full name, address, and date of birth. If in the service, give grade, service number, organization, and station.

(2) Full name, rank, service number, and branch of service of the parent to whom the Medal of Honor was awarded.

(g) *Citizens of the American Republics and the Philippines.* These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American Republics. However, not more than three students from one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines. The application should contain complete particulars about his background and must be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently.

§ 901.7 Where applicant reports.

(a) An applicant nominated in one or more of the categories in § 901.6 (except § 901.6(g)) is notified by USAFA (CRA) to report to an Air Force Academy and Aircrew Examining Center for qualification testing. These centers are listed in AFR 23–11 (Air Force Academy and Aircrew Examining Centers) and the current Air Force Academy catalog. The nominee also is instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions and the Instructions to Candidates booklet. No nominee is considered for appointment until scores on all tests are received.

(b) A congressional applicant (see § 901.6(a)) may be authorized by the nominating authority to undergo a medical examination at any designated Air Force, Army, or Navy medical examining facility. These facilities are listed in AFR 23–11 and the current Air Force Academy catalog (Air Force only), and on AF Form 1197 (Air Force, Army, and Navy). AF Form 1197, "Authorization For Medical Examination For The United States Air Force Academy," may be provided applicants only by members of Congress.

§ 901.8 How to notify USAFA (CRA) of change of address or station assignment.

Each applicant or nominee is personally responsible for notifying USAFA (CRA), USAF Academy CO 80840 of every change of address or station assignment. Notifications must include complete name, grade, service number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station must not be delayed pending action by USAFA (CRA).

§ 901.9 Suggested letter formats.

(a) *For requesting nomination in the following categories: Congressional, Canal Zone, District of Columbia, Puerto Rico, and possessions.*

Date _____

Honorable _____,
House of Representatives,
Washington, D.C. 20515.

Dear Mr. _____:

or

Honorable _____,
U.S. Senate,
Washington, D.C. 20510.

Dear Senator _____: It is my desire to attend the Air Force Academy and to make the U.S. Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____.

The following personal data are furnished for your information:

Name: (As recorded on birth certificate).
Address: (City, County, State, Zip Code).
Parents' names:
Date of birth. (Spell out month).
High school attended:
Date of high school graduation:
Approximate grade average:

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(b) *For requesting a presidential nomination.*

Date _____

USAFA (CRA),
USAF Academy CO 80840.

Dear Sir: I request a nomination under the Presidential category for the class that enters the Academy in June _____, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable).
Present Mailing Address: (City, County, State, Zip Code).
Date and Place of Birth: (Spell out month).
Date of High School Graduation:
If Member of Military: (List rank, serial number, Regular or Reserve component, branch of service, and organizational address—including CMR or Box No.).
If Previous Candidate: (List year and candidate number).

INFORMATION ON PARENT

Name, Rank, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report).
Officer Personnel: (Attach Statement of Service prepared by personnel officer specifying Regular or Reserve status for all periods of service).
Enlisted Personnel: (Attach statement prepared by personnel officer specifying Regular or Reserve status for all periods of service and listing date of enlistment, date of enlistment expiration, and branch of service).

Sincerely,

Signature.

(c) *For requesting a vice presidential nomination.*

Date _____

The Vice President,
U.S. Senate,
Washington, D.C. 20510.

Dear Mr. Vice President: It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____.

The following personal data are furnished for your information:

Name: (As recorded on birth certificate).
Present Mailing Address: (City, County, State, Zip Code).

Parents' Name:
Date of Birth: (Spell out month).
High School Attended:
Date of High School Graduation:
Approximate Grade Average:
[1] ----------

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(d) *For requesting a son of deceased or disabled veteran nomination.*

Date ----------

USAFA (CRA),
USAF Academy Co 80840.

Dear Sir:

I request a nomination under the Sons of Deceased or Disabled Veterans category for the class that enters the Academy in June ----------, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable).
Present Mailing Address: (City, County, State, ZIP Code).
Date and Place of Birth: (Spell out month).
Date of High School Graduation:
If Member of Military: (List rank, serial number, Regular or Reserve component, branch of service, and organizational address—including CMR or Box No.).
If Previous Candidate: (List year and candidate number).

INFORMATION ON PARENT

Name, Rank, Serial Number, Regular or Reserve Component and Branch of Service:
Date and Place of Death:

or

Date and Place Disability Occurred:
Cause of Death or Disability:
Veterans Administration XC Claim Number: (Forwarding a copy of Death Certificate, preferably the Casualty Report, or copy of Disability Retirement Order expedites processing of application).
Address of VA Office Where Case is Filed:

Sincerely,

Signature.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-12527; Filed, Oct. 24, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 109—Atomic Energy Commission

SUBCHAPTER A—GENERAL

PART 109-1—INTRODUCTION

Subpart 109-1.1—Regulation System

Sec.

109-1.100 Scope of subpart.
109-1.101 Establishment of AEC Property Management Regulations.
109-1.102 Authority for prescribing AEC PMR.
109-1.104 Publication of AECPMR.
109-1.104-1 Publication.
109-1.104-2 Copies.
109-1.106 Applicability.
109-1.107 Consultation regarding AEC PMR.
109-1.108 Implementation and supplementation of FPMR.
109-1.109 Numbering of AECPMR.
109-1.110 Deviation.
109-1.110-1 Description.
109-1.110-2 Procedure.
109-1.150 Definitions.
109-1.151 Exemptions.

AUTHORITY: The provisions of this subpart 109-1.1 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 109-1.1—Regulation System

§ 109-1.100 Scope of subpart.

This subpart sets forth introductory material concerning the Atomic Energy Commission Property Management Regulations in terms of establishment, authority, publication, applicability, consultation, implementation and supplementation of the Federal Property Management Regulations, numbering, deviation, and exemption practices.

§ 109-1.101 Establishment of AEC Property Management Regulations.

(a) The AEC Property Management Regulations (AECPMR) are hereby established.

(b) These regulations implement and supplement the Federal Property Management Regulations (FPMR).

(c) The effective date of FPMR throughout AEC will be the date indicated in the respective FPMR, unless otherwise provided in an AECPMR.

(d) The effective date of AECPMR throughout AEC will be the date indicated in the respective AECPMR.

§ 109-1.102 Authority for prescribing AECPMR.

The AEC Property Management Regulations are prescribed by the General Manager and the head of any AEC division or office having functional responsibility for the Regulations being prescribed, pursuant to the authority of the Atomic Energy Act of 1954, as amended, and the Federal Property and Administrative Services Act of 1949, as amended.

§ 109-1.104 Publication of AECPMR.

§ 109-1.104-1 Publication.

The AEC Property Management Regulations appear in the Code of Federal Regulations as Chapter 109 of Title 41, Public Contracts and Property Management, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate looseleaf form.

§ 109-1.104-2 Copies.

(a) Copies of the FEDERAL REGISTER in which AEC Procurement Regulations are published and the Code of Federal Regulations may be purchased by Federal Agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) Copies of AEC Property Management Regulations, except those within the functional responsibility of the Division of Contracts, are issued as annexes to pertinent AEC Manual chapters or appendixes.

§ 109-1.106 Applicability.

(a) The Federal Property Management Regulations and the AEC Property Management Regulations apply to all direct AEC functions.

(b) Except as otherwise provided therein, the FPMR and the AECPMR shall be used, in connection with contractor activities, only for the guidance of AEC officials. A section shall normally be included in each part of the AECPMR to provide ready identification of all portions of that AECPMR and the related FPMR which should be applied to AEC contractors, and those which are only for the guidance of AEC officials in their review, approval, administration or appraisal of contractor activities.

§ 109-1.107 Consultation regarding AECPMR.

AEC Property Management Regulations are prepared with appropriate participation of AEC Field Offices and Headquarters divisions and offices and are prescribed after concurrence of all divisions and offices, Headquarters, having a functional interest.

§ 109-1.108 Implementation and supplementation of FPMR.

(a) The AEC Property Management Regulations shall include regulations deemed necessary for business concerns, and others properly interested, to understand basic and significant AEC property management policies and procedures which implement, supplement, or deviate from the FPMR.

(b) Certain AEC property management policies and procedures which come within the scope of this chapter nevertheless are excluded from the AECPMR and shall be issued in AEC Manual chapters or appendixes, except that in the case of those functions which are the responsibility of the Division of Contracts they shall be issued as AEC Property Management Instructions (AECPMI). These exclusions include the following categories:

(1) Subject matter which bears a security classification or is "Official Use Only."

(2) Policy or procedure which is expected to be effective for a period of less than 6 months.

(3) Policy or procedure which is being instituted on an experimental basis for a reasonable period.

(4) Detailed requirements for agency use.

(c) Where the subject matter contained in a part, subpart, or section of the FPMR requires no AEC implementation, the AECPMR (or other issuance) contains no corresponding part, subpart, section or coverage, and the FPMR mate-

[1] If in the Military Service, give grade, Service Number, Organization, and Station.

rial is applicable (within the meaning of § 109–1.106) as written.

§ 109–1.109 Numbering of AECPMR.

The AEC has been assigned Chapter 109 for use in publishing its implementing and supplementing regulations. Implementing regulations shall conform to the FPMR section numbers. Supplementing regulations shall be numbered "50" or higher for section, subpart, or part as may be involved.

§ 109–1.110 Deviation.

§ 109–1.110–1 Description.

As used in these Regulations, the term "deviation" includes any of the following actions:

(a) When a prescribed policy or procedure is set forth, and when a prescribed contract clause is set forth verbatim, a departure from the policy or procedure or use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized in the Regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed by a prescribed policy or procedure, upon the use of a contract clause, form, procedure, type of contract, or upon any other action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 109–1.110–2 Procedure.

(a) In individual cases, deviations from the FPMR and AECPMR may be requested by Managers of Field Offices and authorized by the head of a division or office, Headquarters, having functional responsibility. A supporting statement for each individual deviation, which indicates briefly the nature of the deviation, the reasons for such special action, and the Headquarters approval shall be maintained by the Headquarters division or office concerned.

(b) In classes of cases, requests for deviations from the FPMR and the AECPMR shall be forwarded by Managers of Field Offices to the head of the division or office, Headquarters, having functional responsibility, and shall be accompanied by an appropriate supporting statement. Requests shall be considered on an expedited basis and appropriate coordination with Headquarters divisions and offices will be obtained. Requests involving the FPMR will be considered jointly by AEC and the General Services Administration, unless, in the judgment of the Headquarters division or office having functional responsibility, circumstances preclude such joint effort. In such case, the division or office having functional responsibility will approve such class deviations as determined to be necessary and the General Services Administration will be notified.

§ 109–1.150 Definitions.

(a) *Implementation.* Pertains to AEC material which treats a subject matter covered in the FPMR and may cover in greater detail or indicate the manner of compliance, including statements of authorizing deviations.

(b) *Supplementation.* Pertains to AEC material which treats matters having no counterpart in the FPMR.

§ 109–1.151 Exemptions.

(a) Section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, provides that nothing in that Act shall impair or affect any authority of the Atomic Energy Commission. This includes the authority of AEC under the Atomic Energy Act of 1954, as amended, Public Law 85–804, and any other law.

(b) This exemption authority is to be exercised only to the extent that compliance with the requirements of the Federal Property and Administrative Services Act of 1949, as amended, would impair or affect the carrying out of AEC's programs. Except as otherwise expressly provided in these regulations, requests for exemptions from the requirements of the Federal Property and Administrative Services Act of 1949, as amended, except those pertaining to procurement (see AECPR 9–1.110), shall be submitted to the head of the division or office, Headquarters, having functional responsibility. Such requests will be accompanied by an appropriate explanation and justification for the exemption, which sets forth the grounds on which compliance with the particular requirements of the Federal Property and Administrative Services Act of 1949, as amended, would impair or affect AEC programs.

Effective date. This subpart is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 11th day of October 1967.

For the U.S. Atomic Energy Commission.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67–13523; Filed, Oct. 24, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of rabbits on the Alamosa National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,805 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) The rabbit hunting season on the refuge extends from date of this publication through December 26, 1967, inclusive.

(2) Hunting with rifles and handguns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1967.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colo.

OCTOBER 23, 1967.

[F.R. Doc. 67–13614; Filed, Oct. 24, 1967; 8:51 a.m.]

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

On page 13933 of the FEDERAL REGISTER of October 6, 1967, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Alamosa National Wildlife Refuge, Colorado, as legislatively permitted.

Interested persons were given 15 days in which to submit written comments,

suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 80 Stat. 927; 16 U.S.C. 668dd)

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 23, 1967.

[F.R. Doc. 67-12615; Filed, Oct. 24, 1967; 8:51 a.m.]

PART 32—HUNTING
PART 33—SPORT FISHING

Opening of Certain Areas in California and Kansas

On page 13720 of the FEDERAL REGISTER of September 30, 1967, there was published a notice of a proposed amendment to 50 CFR 32.21 and 33.4. The purpose of this amendment is to provide public hunting of upland game and sport fishing on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

1. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

CALIFORNIA

KERN NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sports Fisheries and Wildlife.

OCTOBER 23, 1967.

[F.R. Doc. 67-12616; Filed, Oct. 24, 1967; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 32]

TRADE FAIRS

Entry and Disposition of Articles Under Trade Fair Act of 1959

Notice is hereby given that under the authority of section 7 of the Trade Fair Act of 1959 (19 U.S.C. 1756), and sections 623 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624) it is proposed to revise Part 32 of Title 19 of the Code of Federal Regulations.

The proposed revision follows a new format, and is part of the general revision of the Customs Regulations. In addition to changes required by the reorganization of the Customs Service, changes or additions in language are proposed to clarify the scope of some provisions and reflect the applicability of immediate delivery procedures and certain licensing requirements.

The proposed revision of Part 32 is as follows:

PART 32—TRADE FAIRS

Sec.
32.0 Scope.

Subpart A—General Provisions

32.1 Definitions.
32.2 Articles which may be entered for a fair.
32.3 Bond required.

Subpart B—Procedure for Importation

32.11 Entry.
32.12 Invoices.
32.13 Transfer to fair building.
32.14 Articles not to be immediately entered and delivered to a fair.
32.15 Tentative appraisement.

Subpart C—Requirements of Other Laws

32.21 Marking under the Tariff Act of 1930.
32.22 Compliance with internal revenue laws and Federal Alcohol Administration Act.
32.23 Compliance with Plant Quarantine Act and Federal Food, Drug, and Cosmetic Act.
32.24 Merchandise subject to licensing.

Subpart D—Customs Supervision

32.31 Articles to be kept separate.
32.32 Detail of officers to protect the revenue.
32.33 Reimbursement by fair operator.

Subpart E—Disposition of Articles Entered for Fairs

32.41 Removal or disposition pursuant to regulation.
32.42 Disposition generally.
32.43 Entry under the customs laws.
32.44 Entry for another fair.
32.45 Merchandise from a foreign trade zone.
32.46 Voluntary abandonment or destruction.
32.47 Mandatory abandonment.

AUTHORITY: The provisions of this Part 32 issued under R.S. 251, secs. 623, 624, 46 Stat. 759, as amended, secs. 2–7, 73 Stat. 18, 19; 19 U.S.C. 66, 1623, 1624, 1751–1756.

§ 32.0 Scope.

This part governs the entry of merchandise intended for exhibition or for use in constructing, installing or maintaining foreign exhibits at trade fairs which have been so designated by the Secretary of Commerce. It also contains provisions concerning customs supervision of the merchandise, and the disposition of the merchandise after the fair has closed.

Subpart A—General Provisions

§ 32.1 Definitions.

The following are general definitions for the purposes of this part:

(a) *The Act.* "The Act" means the Trade Fair Act of 1959.[1]

(b) *Fair.* "Fair" means a fair, exhibition, or exposition designated by the Secretary of Commerce pursuant to the Trade Fair Act.

(c) *Fair operator.* "Fair operator" means the party named by the Secretary of Commerce as the operator of the fair.

(d) *Port.* "Port" means the port at which the fair is to be held, or if the fair is not to be held within the limits of a port, the port nearest to the location of the fair which is in the same customs district as the fair.

(e) *Closing date.* "Closing date" means the date designated by the Secretary of Commerce as the date when the fair will close, including any extension granted by the Secretary of Commerce, or, if the fair closes earlier, the date on which the fair actually closes.

(f) *Articles for a fair.* "Articles for a fair" includes, but is not limited to:

(1) Actual exhibit items;

(2) Pamphlets, brochures, and explanatory material in reasonable quantities relating to foreign exhibits at a fair;

(3) Material for use in constructing, installing, or maintaining foreign exhibits at a fair.

---

[1] SECTION 1. *Short title.*

This Act may be cited as the "Trade Fair Act of 1959."

SEC. 2. *Designation of fairs.*

(a) *In general.*—When the Secretary of Commerce is satisfied that the public interest in promoting trade will be served by allowance of the privileges provided for in this Act to any fair to be held in the United States, he shall so advise the Secretary of the Treasury, designating (1) the name of the fair, (2) the place where the fair will be held, (3) the date when the fair will open and the date when it will close, and (4) the name of the operator of the fair.

(b) *Definitions.*—For purposes of this Act—

(1) The term "fair" means any fair, exhibition, or exposition designated by the Secretary of Commerce pursuant to this section.

(2) The term "closing date" in the case of any fair means the date designated pursuant to subsection (a)(3) as the date when the fair will close, or (if earlier) the date on which such fair actually closes.

(c) *Regulations.*—The Secretary of Commerce may prescribe such regulations as he deems necessary or appropriate to carry out the provisions of this section.

SEC. 3. *Entry of articles for fairs.*

Any article imported or brought into the United States—

(1) which is in continuous customs custody, covered by a customs exhibition bond, or in a foreign trade zone, and

(2) on which no duty or internal-revenue tax has been paid, may, without payment of any duty or internal-revenue tax be entered under bond under this section for the purpose of exhibition at a fair, or for use in constructing, installing, or maintaining foreign exhibits at a fair.

SEC. 4. *Disposition of articles entered for fairs.*

(a) *Entry under general customs laws, etc.*—At any time before, or within 3 months after, the closing date of any fair, any article entered for such fair under section 3 may be sold or otherwise disposed of within, or may be removed from, the area of such fair. This subsection shall apply only if, before such disposition or removal—

(1) the article, after the entry for such fair under section 3, has been entered under any provision of the customs laws, and

(2) any applicable duties and internal-revenue taxes are paid on such article in its condition and quantity, and at the rate in effect, at the time of such entry as if such article were imported or brought into the United States at the time of such entry.

(b) *Disposition without payment of duty.*—At any time before, or within 3 months after, the closing date of any fair, any article entered for such fair under section 3 may, without the payment of any duties or internal-revenue taxes, be—

(1) Exported,

(2) Transferred from such fair to other customs custody status or to a foreign-trade zone,

(3) Destroyed, or

(4) Abandoned to the Government.

(c) *Mandatory abandonment to Government.*—If any article entered under section 3 is still in customs custody, under such entry, at the expiration of 3 months after the closing date of the fair for which it was entered, such article shall thereupon be regarded as an article abandoned to the Government and shall be subject to sale or destruction of the article and disposition of the proceeds of sale in the manner provided for in sections 491, 492, and 493 of the Tariff Act of 1930. For purposes of this subsection, any duties or internal-revenue taxes on the article shall be computed on the basis of its condition and quantity at the time it becomes subject to sale.

(d) *Period for performance of certain acts.*—Whenever any article entered under section 3 is transferred pursuant to subsection (b)(2) or entered under subsection (a), the period prescribed for the performance of any act required by the provision govern-

§ 32.2 Articles which may be entered for a fair.

(a) *General.* Any article imported or brought into the United States may be entered under bond under the regulations of this part for the purpose of exhibition at a fair, or for use in constructing, installing, or maintaining foreign exhibits at a fair, if no duty or internal revenue tax has been paid, and the article is:

(1) In a foreign trade zone; or

(2) Covered by a customs exhibition bond provided for in Schedule 8, Part 5B, Tariff Schedules of the United States; or

(3) In continuous customs custody, including but not limited to articles:

(i) Imported or brought into the United States for the purpose of direct entry at a particular fair;

(ii) In customs bonded warehouses;

(iii) Unentered under the customs laws and held in general order pending entry or reexport;

(iv) On exhibition at another fair designated by the Secretary of Commerce.

(b) *Exception.* Articles which have been entered under Schedule 8, Part 5C, Tariff Schedules of the United States, may not be entered under the regulations of this part.

§ 32.3 Bond required.

(a) The fair operator shall furnish for the approval of the district director a bond in an amount to be determined by the district director. No other bond shall be required at the time of making entry for a fair.

(b) The bond shall be in the following form:

TRADE FAIR BOND

Know all men by these presents, That _____, of _____, as principal, and _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____ 19__.

Whereas, purusant to the provisions of the Trade Fair Act of 1959, 73 Stat. 18; 19 U.S.C. 1751–1756, the Secretary of Commerce has approved an application by the principal hereon for the operation of a fair to be known as _____

(Insert exact name of fair)

at _____; and

(City and State)

Whereas, pursuant to the foregoing Act, imported articles may be imported or brought into the United States without the payment of duties, taxes, fees, charges, or exactions, for purposes of exhibition at the designated fair, or for use in constructing, installing, or maintaining foreign exhibits at such fair, under such regulations as the Secretary of the Treasury shall prescribe;

Now, therefore, the condition of this obligation is such, that—

(1) If the above-bounden principal shall comply in all respects with the provisions of the foregoing Act and the regulations issued by the Secretary relating to the exhibition or use of any article imported or brought into the United States for the designated fair; and shall receive for exhibition or use at such fair only such articles as may be permitted by law and regulations to be deposited therein; and shall safely keep or use the same therein all in accordance with the purposes authorized by law, and shall not remove, nor suffer to be removed, any article from the fair premises without lawful permit and without the presence of the customs officer in charge;

(2) And if the above-bounden principal shall pay to the district director of customs, when demanded by him, all unpaid duties, taxes, fees, charges, or exactions found legally due in connection with all articles entered or brought into the United States for the fair under the provisions of the designated Act and charged against this bond; and if in respect of any of the articles released from customs custody shall redeliver or cause to be redelivered to the order of the district director of customs, upon proper demand made at any time, any and all articles found not to comply with the law and regulations governing their admission into the commerce of the United States, and shall, after proper notice, mark, label, clean, fumigate, destroy, export, and do any and all other things in relation to said articles that may be required to secure the protection of the revenue and compliance with the Trade Fair Act referred to in the recital clause of this obligation and with all applicable customs and related laws; it being expressly understood and agreed that the liability under this bond shall extend to all cases where any of the articles entered for exhibition or use are lost or stolen, whether or not the said loss or theft shall result from the fault of said principal;

(3) And if the above-bounden principal shall pay on demand to the district director of customs, the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of the imported articles, together with the compensation of the customs officers and employees on duty at or assigned to the fair premises in connection with the accounting for, custody of, and supervision over, the articles entered pursuant to the designated Act, including overtime compensation of customs officers and employees assigned to duty at night or on Sunday or a holiday;

(4) And if the above-bounden principal, when an article is entered from the Fair for exportation, shall cause the said article to be actually exported from the United States and not relanded therein, and if proof of exportation from the United States be furnished to the said district director in the form and within the time required by law or regulations, or within any lawful extension of such time; or in lieu of exportation, if the said article shall be destroyed or abandoned within the period fixed by law, or, in default thereof, if the obligors shall pay to the district director the full amount of duties, taxes, fees, charges, and exactions which may be found legally due on the said articles;

(5) And if the said principal shall deliver to the district director of customs all the documents and evidence as may be required in connection with the entry of the articles at the designated fair, and in the form and within the time required by law or regulations, or any lawful extensions thereof, and shall comply with all other requirements of law and regulations;

Then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____ (Name) (Address)

_____ (Name) (Address) _____ (Principal) [SEAL]

_____ (Name) (Address)

_____ (Name) (Address) _____ (Surety) [SEAL]

_____ (Name) (Address)

_____ (Name) (Address) _____ (Surety) [SEAL]

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the _____(*)_____ of the corporation named as principal in the within

*(May be executed by the secretary, assistant secretary, or other corporate officer.)

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ing the status to which the article is transferred, or under which the article is entered, shall run from the date of such transfer or entry.

SEC. 5. *Marking, packaging, and labeling.*

(a) *Customs laws.*—Articles entered under section 3 shall not be subject to any marking requirements of the customs laws, except that when any such article is entered for consumption under section 4 it shall not be released from customs custody until the marking requirements of the customs laws have been complied with.

(b) *Internal-revenue laws, etc.*—Articles entered under section 3 shall not be subject to the packaging, marking, or labeling requirements of the internal-revenue laws or of the Federal Alcohol Administration Act, except that any such article failing to comply with such requirements—

(1) shall be conspicuously marked prior to exhibition "Not labeled or packaged as required by law—not for sale," and

(2) when entered for consumption under section 4, shall not be released from customs custody until such packaging, marking, and labeling requirements have been complied with.

The application of the permit requirements of the Federal Alcohol Administration Act and the occupational taxes prescribed by chapter 51 of the Internal Revenue Code of 1954 shall be determined without regard to this Act.

SEC. 6. *Responsibilities of fair operator.*

(a) *Sole consignee and importer.*—Each fair operator designated by the Secretary of Commerce pursuant to section 2 shall be deemed the sole consignee and importer of all articles entered under section 3 for which such operator has been designated.

(b) *Expenses of customs custody, etc.*—The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, custody, abandonment, destruction, or release of articles entered under section 3, together with the necessary charges for salaries of customs officers and employees in connection with the accounting for, custody of, and supervision over, such articles, shall be reimbursed to the United States by the operator of the fair for which they are entered. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1524).

SEC. 7. *Regulations.*

The Secretary of the Treasury may prescribe such regulations as may be necessary or appropriate to carry out the provisions of this Act (other than section 2 thereof). (73 Stat. 18, 19; 19 U.S.C. 1751–1756.)

bond; that _____, who signed the said bond on behalf of the principal, was then _____ of the said corporation; that I know his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

_____ [SEAL]

Subpart B—Procedure for Importation

§ 32.11 Entry.

(a) *Made in name of fair operator.* All entries of articles for a fair shall be made at the port in the name of the fair operator which shall be deemed for customs purposes the sole consignee of the merchandise entered under the Act and responsible to the Government for all duties and charges due the United States on account of such entries.

(b) *Merchandise arriving at port other than port of the fair.* Articles to be entered under this subpart which arrive at ports other than the port of the fair shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed in Part 18 of this chapter.

(c) *Form of entry.* Articles shall be entered upon arrival at the port of the fair on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION
Entry No. _____

Entry at the port of _____ of articles consigned or transferred to _____ (Fair operator) under _____; I.T. No. _____ ex S.S. _____ from _____ on the _____ day of _____ 19____, for exhibition purposes under the Trade Fair Act of 1959.

Mark	Number	Package and contents	Quantity	Invoice value

_____ (Fair operator)
By _____

(d) *Supersedes previous entry.* When entry for a fair is made under this part, such entry shall supersede any previous entry.

§ 32.12 Invoices.

Articles intended for a fair under the provisions of the Act and valued at over $500 are subject to the special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations in this chapter (see Part 8 of this chapter). The invoice shall be on customs Form 5515 and shall contain the information prescribed under section 481 of the Tariff Act of 1930. In all other cases the ordinary invoicing requirements apply.

§ 32.13 Transfer to fair building.

(a) *Immediate delivery.* The provisions governing immediate delivery in § 8.59 of this chapter are applicable to articles for a fair.

(b) *After entry.* Upon the entry being made, a permit may be issued by the district director for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in his discretion, to the public stores for examination and subsequent delivery to the buildings in which they are to be exhibited or used.

§ 32.14 Articles not to be immediately entered and delivered to a fair.

(a) *Placed in bonded warehouses.* If for any reason articles imported for a fair are not to be entered and delivered to a fair upon their arrival, the fair operator should request the district director, in writing, to cause such articles to be placed in a bonded warehouse under a "general order permit" at the risk and expense of the fair operator. If no request is made and the articles remain unentered after 5 days from the date of arrival, they will be placed in general order.

(b) *Entry within 1 year.* At any time within 1 year from the date such articles are imported or brought in, they may be entered under this part for a fair or entered under the general tariff law, or for exportation.

(c) *Abandonment.* If not entered within such period, they will be regarded as abandoned to the Government.

§ 32.15 Tentative appraisement.

All articles entered for a fair shall be tentatively appraised prior to exhibition or use.

Subpart C—Requirements of Other Laws

§ 32.21 Marking under the Tariff Act of 1930.

The marking requirements of the Tariff Act of 1930, as amended, and the regulations thereunder will not apply to articles for a fair, except when such articles are entered for consumption. When entered for consumption, such articles shall be released from customs custody only upon a full compliance with these marking requirements.

§ 32.22 Compliance with the internal revenue laws and Federal Alcohol Administration Act.

The packaging, marking, and labeling requirements of the internal-revenue laws, and of the Federal Alcohol Administration Act (27 U.S.C. 201 to 212), will not apply to articles entered under this part, but any article failing to comply with such requirements shall be conspicuously marked prior to exhibition "Not labeled or packaged as required by law—not for sale". When any such article is withdrawn for consumption, it shall be released from customs custody only upon a full compliance with such packaging, marking, and labeling requirements.

§ 32.23 Compliance with Plant Quarantine Act and Federal Food, Drug, and Cosmetic Act.

(a) *Plant Quarantine Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U.S.C. 151–164a, 167) shall not be permitted except under permits issued by the Plant Quarantine Division of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations.

(b) *Federal Food, Drug, and Cosmetic Act.* The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), and the regulations issued thereunder.

§ 32.24 Merchandise subject to licensing.

Merchandise, the importation of which is subject to the licensing regulations of any agency of the U.S. Government, may be entered for a fair only upon the presentation of the required license, or a waiver of such license.

Subpart D—Customs Supervision

§ 32.31 Articles to be kept separate.

Articles for exhibit at a fair shall be segregated from domestic articles and from imported articles entered under the provisions of the general customs laws and released from customs custody.

§ 32.32 Detail of officers to protect the revenue.

The district director shall detail an officer to act as his representative at the fair and shall station inside the buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

§ 32.33 Reimbursement by fair operator.

All actual and necessary charges for labor, services, and other expenses in connection with the entry, examination, appraisement, custody, abandonment, destruction, or release of articles entered under the regulations of this part, together with the necessary charges for salaries of customs officers and employees in connection with the accounting for, custody of, and supervision over, such articles, shall be reimbursed by the fair operator to the Government, payment to be made on demand to the district director for deposit to the appropriation from which paid.

Subpart E—Disposition of Articles Entered for Fairs

§ 32.41 Removal or disposition pursuant to regulation.

Articles for a fair entered under this part shall not be removed from the fair premises, or otherwise disposed of, except in accordance with this subpart.

§ 32.42 Disposition generally.

(a) *Kinds of disposition.* Any article entered for a fair under this part may be entered for consumption, for warehouse, or under any other provision of

the customs laws, or for another fair, or may be transferred to other customs custody status or to a foreign trade zone, or abandoned to the Government, or destroyed under customs supervision, or exported, at any time before, or within 3 months after, the closing date of the fair.

(b) *Appraisement.* Upon entry under any provision of the customs laws, or at the expiration of 3 months after the closing date of the fair in the case of articles not previously entered or transferred, articles entered for fairs shall be appraised. Such appraisement shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended.

(c) *Period for performance of certain acts.* In the case of any article entered under a provision of the customs laws, or for another fair, or transferred to other customs custody status, or to a foreign-trade zone, the period prescribed for the performance of any act required by the provision governing the status under which the article is entered, or to which it is transferred, shall be computed from the date of such entry or transfer.

§ 32.43 Entry under the customs laws.

(a) *Payment of duties and taxes.* Any applicable duties and internal revenue taxes on any article entered under any provision of the customs laws must be paid on such article in its condition and quantity, and at the rate in effect, at the time of such entry.

(b) *Person to make entry.* Entry of merchandise under the customs laws from a fair may be made in the name of any person duly authorized in writing by the fair operator to make such entry.

§ 32.44 Entry for another fair.

Articles entered for a fair which are to be entered for another fair under the provisions of this part shall be retained in continuous customs custody.

§ 32.45 Merchandise from a foreign-trade zone.

Articles entered for a fair from a foreign-trade zone status of "zone restricted merchandise" and afterwards entered for consumption from a fair are subject to the provisions of item 804.00, Tariff Schedules of the United States.

§ 32.46 Voluntary abandonment or destruction.

At any time before or within three months after the closing date of the fair any article entered for a fair may be abandoned to the Government or destroyed under customs supervision, upon compliance with section 15.4 of this chapter.

§ 32.47 Mandatory abandonment.

Any article entered for a fair, and not disposed of under the provisions of this subpart prior to the expiration of three months after the close of the fair shall be regarded as abandoned to the Government, and subject to sale or destruction. Proceeds of sale shall be disposed of in the manner provided in sections 491, 492, and 493, Tariff Act of 1930, as amended, and the regulations thereunder. Any duties or internal revenue taxes on such article shall be computed on the basis of its condition and quantity at the time it becomes subject to sale.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

ANNEX TO NOTICE OF PROPOSED RULEMAKING—REVISION OF PART 32

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 32 to 19 CFR Part 32.)

Proposed Part 32 section	*19 CFR section*
32.0	None.
32.1	32.1.
32.2	32.3(f).
32.3	32.2(d).
32.11(a)	32.3(a).
32.11(b)	32.3(b).
32.11(c)	32.3(c).
32.11(d)	32.3(f).
32.12	32.2(a).
32.13(a)	None.
32.13(b)	32.3(d).
32.14	32.3(e).
32.15	32.3(d).
32.21	32.2(b).
32.22	32.2(c).
32.23	32.4.
32.24	None.
32.31	32.3(d).
32.32	32.5(a).
32.33	32.5(b).
32.41	32.3(d).
32.42	32.6(a).
32.43(a)	None.
32.43(b)	32.3(a).
32.44	32.6(c).
32.45	32.6(d).
32.46	32.6(b).
32.47	32.6(e).

[F.R. Doc. 67-12566; Filed, Oct. 24, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1015]

[Docket Nos. AO 14-A42, AO 71-A54, AO 305-A19]

MILK IN MASSACHUSETTS-RHODE ISLAND, NEW YORK-NEW JERSEY, AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on December 5, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by New York-New England Dairy Cooperative Coordinating Committee representing Cabot Farmers' Cooperative Creamery Co., Inc., Consolidated Milk Producers' Association, Connecticut Valley Dairy, Inc., Dairymen's League Co-operative Association, Inc., Grand Isle County Cooperative Creamery Association, Inc., Granite City Cooperative Creamery Association, Inc., Maine Dairymen's Association, Massachusetts Cooperative Milk Producers Federation, Inc., Milton Cooperative Dairy Corp., New England Milk Producers' Association, Inc., Northeast Dairy Cooperative Federation, Inc., Northern Farms Cooperative, Inc., Producers Dairy Co., Richmond Cooperative Association, Inc., St. Albans Cooperative Creamery, Inc., United Farmers of New England, Inc., United Milk Producers Cooperative Association of New Jersey, Inc., White River Valley Dairies, Inc.:

Proposal No. 1. Amend the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut orders to provide a common Class I price formula which would use, as a prime price mover, a simple average of: (1) The U.S. wholesale commodity price index; (2) a feed-labor cost index for the production region; and (3) an index of consumer income in the consumption region. As a secondary mover, the formula would use a supply-demand adjustment factor based on local supply and sales data in the combined area of the three orders.

The initial Class I price levels, in the 201-210-mile zone, shall be set at $6.39 for Massachusetts-Rhode Island and Connecticut and at $6.29 for New York-New Jersey, except that such price levels should be subject to further review in the event any national hearings are held and result in any general Class I price increase prior to the issuance of any amending order. Prices shall continue to be announced at the 201-210-mile zone for Orders 1 and 2 and f.o.b. city for Order 15.

DETAILS OF THE COMMON FORMULA

1. Base periods for movers are to be the most recent data available.

2. Economic price factors, or primary mover

a. Wholesale commodity price index, United States.

The U.S. wholesale commodity price index that is proposed for use in the revised formula is the one currently used in the Class I price formula under Orders 2, 1, and 15. It is calculated and reported by the Bureau of Labor Statistics, U.S. Department of Labor. Currently a 1957–59 base is used, and the index is reported to one decimal place; e.g., 106.5 for July 1967. In converting to the base used in the formula, one decimal place is recommended in the formula index.

b. Feed-labor costs, regional

Weights for New England, New York, Pennsylvania, and New Jersey, feed and labor cost data are recommended which are based on volumes of milk delivered by producers under Orders 2, 1, and 15 who are located in these regions or States in the latest month for which data are available, December 1966. The proposed weights on this basis are as follows:

	Percent
New York	55.7
New England	21.5
Pennsylvania	18.1
New Jersey	4.7
	100.0

The feed price series recommended for use in the formula is that reported by the U.S. Department of Agriculture for mixed dairy feed containing less than 29 percent protein. These data are published for the 15th day of each month in reports of regional offices of the Statistical Reporting Service, U.S. Department of Agriculture, and in the USDA monthly report from Washington, D.C., "Agricultural Prices." It is suggested that the weighted average be calculated to pennies per hundredweight. It is also suggested that the index be calculated to one decimal place; e.g., 98.6, 101.4, etc.

The labor price series recommended for use in the formula are reported by the U.S. Department of Agriculture. The data are published for January 1, April 1, July 1, and October 1 each year in their monthly "Farm Labor" reports. The same farm wage rates and the same weighting factors as now used in the Class I formula under Orders 1 and 15 are recommended, as follows:

	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

It is suggested that farm wage rates be calculated to dollars and full cents. It is also suggested that the formula index of labor costs be calculated to one decimal place; e.g., 98.6, 101.4, etc.

In combining feed and labor cost indexes, the same weights as under the current Order 1 and 15 Class I formula are recommended, 60 percent for feed and 40 percent for labor. The final formula index for feed-labor costs should be expressed to one decimal place.

c. Per capita disposable income of consumers, regional.

Weights for New England, New York, and New Jersey, data on income are recommended which are based on total resident populations of these regions or States at the latest date for which figures are available at the time of the hearing. The weights on this basis if the latest date should be July 1, 1966, are as follows:

	Percent
New York	50.2
New England	30.8
New Jersey	19.0
	100.0

Quarterly figures on per capita disposable personal income in the United States are released with only a short time lag by the U.S. Department of Commerce and the Council of Economic Advisers to the President. With a greater time lag, State and regional figures on per capita personal income are released by the U.S. Department of Commerce in their "Survey of Current Business." It is proposed that using the latest State and regional data, the ratio between the weighted average for the three-area region and the U.S. figure be calculated. For 1966 (using July 1, 1966, population data for weights) the figures are as follows:

New England	$3,239
New York	$3,497
New Jersey	$3,445
Weighted average	$3,408
United States	$2,963
Region as percent of United States	115.0

The latest adjustment percentage, to one decimal place, would be applied to the latest quarterly data on per capita personal disposable income for the United States. In the second quarter of 1967, the figure was $2,716; applying the 1966 regional adjustment percentage of 115.0 yields $3,123. The final formula index for per capita disposable income should be expressed to one decimal place.

d. Combined index of economic price factors.

It is proposed that the combined index be a simple average of the three indexes of U.S. wholesale commodity prices, regional feed-labor costs, and regional per capita disposable incomes of consumers. This combined index should be calculated to one decimal place.

3. Supply-demand factor, or secondary mover.

The proposed supply-demand factor for the new formula is based on combined data for the three orders.

On the supply side the data should include classified pool milk under Order 2, and producer deliveries of milk under Orders 1 and 15.

On the demand side the data should include volumes of Class I–A and I–B milk, fluid skim differential milk, and secs. 0.44 and 0.45 milk under Order 2, and Class I sales of producer milk under Orders 1 and 15.

It is proposed that a 12-month moving average of supply-demand data, with an accelerator based on data in the 12-month period ended 3 months earlier, be used in calculating the supply-demand index. For the 12 months ended in July 1967 the data were as follows:

Supply	15,302,762,000 lbs.
Sales	8,663,716,000 lbs.
Percentage sales were of supply	56.6 percent.

Since the corresponding percentage 3 months earlier was 56.8 percent, 0.2 would be substracted from 56.6 percent, yielding 56.4 percent, as the "accelerated figure" to be used in the formula. Accelerated figures would be used both as the base and for the pricing months.

For each one-tenth point change from the base supply-demand percentage, the supply-demand index would change by one-tenth point, in the same direction. For example, if the base was 56.4 and a later percentage (accelerated) for the pricing month was 56.8, the supply-demand index would be 100.4.

4. Combined index of economic price factors and supply-demand factor.

In applying these two indexes to the initial level of prices, it is proposed that no decimal points be dropped in the multiplication process. It would not then be significant as to which numbers were multiplied first, for there would be no rounding off of intermediate results.

Proposed by H. P. Hood and Sons:

Proposal No. 2. Amend the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut Class I price formulas to provide:

1. Class I prices on a bracket basis moving only in intervals of 20 or 22 cents per hundredweight.

2. That the per capita disposable personal income factor be given only a weight of one-seventh as has been done in the New England Class I price formulas, or deflate it by some factor such as the consumer price index.

3. A supply-demand provision which would use a common supply base for the three Federal orders but would still use a separate Class I sales factor for the New England orders and a separate Class I for the New York-New Jersey order.

Proposed by Milk Dealers' Association of Metropolitan New York, Inc., Sealtest Foods Metropolitan Division National Dairy Products Corp., Members of New York State Milk Distributors, Inc., Operating Under Order 2, Except the Dairymen's League:

Proposal No. 3. Revise the Class I price formula in the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut orders to read: Class I Price Formula.

(a) Calculate a seasonally adjusted United States price of milk for manufacture as follows:

Divide the U.S. average price of milk for manufacture adjusted to 3.5 butterfat basis by the following seasonal factors, and round to the nearest cent.

January	1.020
February	1.017
March	1.009
April	0.987
May	0.980
June	0.983
July	0.984
August	0.989
September	0.995
October	1.003
November	1.016
December	1.017

The result shall be called the seasonally adjusted manufacturing price of milk.

(b) Calculate a utilization adjustment factor as follows:

(1) Add together the total receipts of milk from producers under all six northeastern orders, add together the total volume of Class I milk assigned to producer receipts, calculate the percentage of Class I to the nearest tenth of a percent.

(2) Calculate a 12-month moving average of the Class I percentages and round to the nearest whole percentage point.

(3) Deduct from the average percentage of Class I for the most recent 12 months, the 12-month average 3 months previous. This difference shall be known as the "adjuster" for the most recent 12 months.

(4) Add the 12-month average percentage for the most recent 12 months and the adjuster to obtain the "utilization adjustment."

(c) Calculate the Class I price to be announced on the 25th of the month and applicable for the following month as follows:

(1) Average the seasonally adjusted United States average price of milk for manufacture for the last 2 consecutive months that are available as of the 25th of the month.

(2) To this average add $2.20.

(3) For each percentage point that the utilization adjustment is above 60, add $0.06 to the total in (c)(2) (i.e., the 2-month average of the seasonally adjusted manufacturing price of milk plus $2.20) and for each percentage point that the utilization adjustment is below 60, deduct $0.06 from the total in (c)(2) above (i.e., the 2-month average of the seasonally adjusted manufacturing price of milk plus $2.20). The result shall be the Class I price for the following month.

Proposal No. 4. Consider the use of "brackets" in announcing the Class I price.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 5. Amend the Massachusetts-Rhode Island order as follows:

1. Revise § 1001.60(a)(6) to read as follows: "The economic index shall be the result of dividing by three the sum of the U.S. wholesale commodity price index, the New England consumer income index, and the New England grain-labor cost index".

2. Delete § 1001.60(b)(2).

3. Revise § 1001.60(b)(3) to read as follows: "The economic index price shall be the price computed in subparagraph (1) of this paragraph".

4. Revise § 1001.60(c) so that the supply-demand adjustment factor is computed (using quantities announced in the statistical reports of the administrator for the New England Federal orders, for the second, third, and fourth months preceding the month for which the price is being computed) so that instead of the base Class I percentage factor now used in computation of base supply, a new base Class I percentage factor would be used representing the relationship of Class I sales to milk production in each of the months in a 12-month period ending July 31, 1967.

Proposal No. 6. Amend the New York-New Jersey order as follows:

Revise § 1002.40 to provide for a second paragraph thereof to read as follows: For Class I–A milk the price during each month shall be a price computed pursuant to paragraph (a) through (c) of this section.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a U.S. wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the year 1958 as the base period) by 1.0025.

(2) Calculate a New York-New Jersey consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the U.S. Department of Commerce, or the Council of Economic Advisers to the President) by the New York-New Jersey adjustment percentage and dividing the result by 21.73. The New York-New Jersey adjustment percentage shall be the current percentage relationship of per capita personal income in New York-New Jersey to per capita personal income in the United States (using data on per capita personal income by States and regions as published by the U.S. Department of Commerce).

(3) Calculate an index of prices paid by farmers including prices, interest, taxes and wages, as published by Statistical Reporting Service, U.S. Department of Agriculture, adjusted to the year 1958 as 100.

(4) Divide by three the sum of the above three indices.

(b) Compute an economic index price by:

(1) Multiplying the economic index by $0.0559, expressing the result to the nearest mill.

(2) The economic index price shall be the price computed in subparagraph (1) of this paragraph.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the administrator for the New York-New Jersey Federal order for the second, third, and fourth months preceding the month for which the price is being computed) so that instead of the present base Class I percentage factor now used in computation of base supply, a new base Class I percentage factor be used which shall represent the relationship of Class I sales to milk production in each of the months in a 12-month period ending July 31, 1967.

(d) Multiply the economic index price determined under paragraph (b) above of this section, by the product of the supply-demand adjustment factor determined under paragraph (c) of this section. The product of such multiplication shall be the Class I price.

Proposed by Inter-State Milk Producers' Cooperative, Inc.:

Proposal No. 7. In the New York-New Jersey order:

1. Replace the wholesale price index in § 1002.40(a)(1) by substituting an economic index which includes factors to reflect feed costs, labor costs, consumer incomes and the general price level.

2. Update the base price in § 1002.40(a)(2) from $5.20 to $6.29.

3. In § 1002.40(a), replace the present supply-demand adjustment factor computed in subparagraphs (3), (4), (5), (6), (7), (8), (9), and (10) with a simpler and more responsive supply-demand factor.

4. Eliminate paragraph (b) from § 1002.40 and redesignate the subsequent paragraphs.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 230 Congress Street, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; 1049 Asylum Avenue, Hartford, Conn. 06105; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 20, 1967.

JOHN C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67–12595; Filed, Oct. 24, 1967; 8:50 a.m.]

[7 CFR Part 1120]

MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Lubbock-Plainview, Tex., marketing area is being considered for November and December 1967.

The provision proposed to be suspended is in § 1120.14(a)(2) which reads: "Not more than 15 days' production during any month of July through

February:", relating to producer milk diversion limitations.

A cooperative association representing a majority of producers on the market has requested suspension of the diversion provision to provide for the efficient and orderly disposition of the reserve supply of milk for the market. The cooperative states that ample supplies to furnish the Class I needs of the market are available at pool plants located in Lubbock. Under the present order provision it is necessary to receive milk from the farms of more distant producers at pool plants for purposes of qualifying it as producer milk although it is not needed at such plants but must be transferred to nonpool plants for use in manufactured dairy products.

The cooperative states that suspension is necessary to permit the association to divert milk directly from the farms of producers to nonpool plants without having to incur the unnecessary costs of transporting the milk to pool plants to retain producer milk status. The cooperative points out that suspension will enable it to divert milk of the same producers during the period instead of having to alternate deliveries of milk from a larger number of producers to pool plants to keep within the 15-day diversion limitation of the order.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–12596; Filed, Oct. 24, 1967; 8:50 a.m.]

[7 CFR Part 1126]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the North Texas marketing area is being considered for the months of November 1967 through February 1968.

The provision proposed to be suspended is in § 1126.41(b)(2)(i) which reads: "during the months of March through August", relating to the classification of milk disposed of to commercial bakeries or food product manufacturing plants.

A cooperative representing more than two-thirds of the market producers has requested suspension of this milk classification provision for November 1967 through February 1968. Without suspension during this period all milk moved to bakeries, soup companies, or other food product manufacturing plants where it is used for manufacturing product uses would be classified as Class I. The present provision providing for Class I classification of such movements except for March through August of any year was incorporated in the order at a time when the North Texas market had a much closer relationship of producer receipts to Class I sales during the months of September through February. The provision discouraged the use of milk in commercial food establishments if alternative fluid milk outlets were available.

The cooperative states that Class I Classification for milk disposed of to commercial food establishments is not needed to assure an adequate supply for fluid uses in the market. Proponent contends that a local soup manufacturing plant and a candy manufacturing plant are used as outlets for the efficient and economical disposal of milk excess to the fluid needs of the market. The association maintains that it will be unable to dispose of milk to these facilities during November 1967 through February 1968 unless suspension to permit Class II classification is provided. It also points out that plants regulated under other nearby milk orders are permitted by the provisions of such other orders to dispose of milk to the aforementioned commercial food establishments as Class II milk while North Texas handlers are precluded from doing so unless suspension action is taken for this period.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–12597; Filed, Oct. 24, 1967; 8:50 a.m.]

[7 CFR Part 1132]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Texas Panhandle marketing area is being considered for November and December 1967.

The provision proposed to be suspended is in § 1132.7(b)(2) which reads: "on not more than 15 days", relating to limitations on producer milk diversions under the order.

This provision was suspended for September and October 1967. A cooperative association which represents more than two-thirds of the producers in the market has requested continued suspension of this diversion provision limitation for an additional 2 months. Recent amendments to the Texas Health Code require that milk produced outside the State of Texas for consumption within the State meet Grade A milk health standards at least equal to those met by Grade A milk produced in Texas. Texas State Health Department inspection of farms located outside Texas must now be accomplished and were expected to be completed by the end of October.

The cooperative states that it is now apparent that inspection by Texas health authorities of farms of producers located outside Texas cannot be completed by the end of October and producer milk regularly received at Texas Panhandle pool plants must be diverted to nonpool plants on more than the number of days permitted by present order diversion provisions during November and December. Extension of the suspension is requested to continue the pooling of such milk as producer milk until inspection is accomplished which is now expected to be completed in December.

All persons who desire to submit written data, views, or arguments on the proposed suspension should file them with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–12598; Filed, Oct. 24, 1967; 8:50 a.m.]

[7 CFR Part 1137]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the period through January 1968.

The provisions proposed to be suspended are contained in § 1137.51(a)(1) in its entirety, relating to the computation of the supply-demand adjustment.

The proposed suspension was requested by the Denver Milk Producers, Inc., and the Western Colorado Milk Producers Association, Inc. The proposed suspension is intended to maintain sufficient milk production for the markets to meet the need for Class I milk during the suspension period requested.

The supply-demand adjustor provided in the Eastern Colorado order utilizes milk supply and Class I utilization data for both the Eastern Colorado and Western Colorado markets, and the Western Colorado Class I price is directly related to the Class I price established for Eastern Colorado. Consequently, the proposed suspension would also affect the Class I price for the Western Colorado market during the proposed suspension period.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–12599; Filed, Oct. 24, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 82]

[CGFR 67–74]

GULF OF MEXICO FROM CAPE ST. GEORGE, FLA., TO MEXICO

Line of Demarcation Between High Seas and Inland Waters; Withdrawal of Proposed Modifications

1. The purpose of this action is to withdraw certain proposed modifications set forth in the notice of proposed rule making published as document CGFR 67–40 in the FEDERAL REGISTER of June 20, 1967 (32 F.R. 8763–8765). These proposals concerned adding to or changing the Rules of the Road demarcation line in 33 CFR Part 82 to denote the areas of application of the "International Rules" and the "Inland Rules" in the Gulf of Mexico, starting from Cape St. George, Fla., and following the coastline to Mexico.

2. Interested persons were afforded an opportunity to submit written and oral comments at five public hearings held at Corpus Christi, Tex., on August 1; at Galveston, Tex., on August 2; at Morgan City, La., on August 3; at Mobile, Ala., on August 4; and at New Orleans, La., on August 7, 1967. Over 68 written comments were submitted. At the public hearings 213 people were present with 55 persons making oral statements.

3. The line of demarcation which is authorized under 33 U.S. Code 151 is intended solely for the purpose of distinguishing between the "high seas" and "inland waters," which are subject to different laws prescribing "Rules of the Road." The limited character of this line was recognized by the Circuit Court of Appeals in New York in the case of U.S. v. Newark Meadows Improvement Co. (173 Fed. 426). This Court said in part: "* * * This legislation, however, was for the purpose of delineating inland waters of the United States in order to inform navigators where the inland rules of navigation, as distinguished from the international rules, become applicable. * * *" While it is recognized that other laws utilize this line because it is convenient and well known, such statutory references do not change the basic purpose for which this line is drawn, and revisions may be made in this line when the needs of navigation require such actions.

4. A number of comments and views submitted did not address themselves to the purpose for which the line of demarcation is authorized under 33 U.S. Code 151, but to other subjects, including State boundaries, State rights, fishing rights, etc. These comments and views were not considered as germane to the proposals under consideration and no action is taken with respect thereto. This withdrawal of certain proposed modifications in the line of demarcation in the Gulf of Mexico by this document shall not be construed or interpreted as giving either recognition or acquiescence to those statements or views entered in the public hearing records on those subjects, which include State boundaries, State rights, fishing rights, etc.

5. With one exception, the written and oral comments submitted and determined to be in consonance with the purpose of the law in 33 U.S. Code 151 objected to the proposals. Many reasons were given to leave the line as presently defined in 33 CFR Part 82. After carefully analyzing these comments, the Merchant Marine Council accepted these objections. I hereby approve its recommendation that no change be made in the present lines of demarcation in the Gulf of Mexico. Accordingly, notice is hereby given that those proposals set forth in the notice of proposed rule making published as document CGFR 67–40 in the FEDERAL REGISTER of June 20, 1967 (32 F.R. 8763–8765), are withdrawn.

6. This withdrawal of certain proposals is made under the authority of section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151), and subsection 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655). The delegation of authority for the Commandant, U.S. Coast Guard, to act under these laws is in Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606).

Dated: October 16, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67–12601; Filed, Oct. 24, 1967; 8:50 a.m.]

Federal Aviation Administration

[14 CFR Parts 21, 91]

[Docket No. 8477; Notice 67–46]

AIR CARRIER OR COMMERCIAL OPERATOR OF LARGE AIRCRAFT

Issue of a Special Flight Permit With a Continuous Authorization To Conduct Ferry Flights

The Federal Aviation Administration is considering amending Parts 21 and 91 of the Federal Aviation Regulations to provide for the issuance by the Administrator of a special flight permit with a continuing authorization to conduct ferry flights, for specified purposes, to an air carrier or commercial operator of large aircraft certificated under Part 121.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 28, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 21.197 provides that upon application by the registered owner or his agent, a special flight permit may be issued for an aircraft that may not meet applicable airworthiness requirements but is capable of safe flight for specified purposes. Section 21.199 prescribes the method for issue of special flight permits in terms that require a new permit for each occasion where a flight permit is required. Therefore, as presently constituted, the rules do not provide for a continuing authorization for ferry flights.

Several recent requests from Part 121 certificate holders for authority to issue their own ferry permits, under certain specifically controlled circumstances, has

brought to the attention of the FAA that a special flight permit with a continuing authorization for Part 121 certificate holders may be desirable. Experience indicates that certain problems that necessitate the ferrying of aircraft reoccur sufficiently often to justify granting to the Part 121 operator a special flight permit with continuing authority to enable the ferrying of aircraft in those reoccurring situations. The Part 121 certificate holder, by virtue of FAA supervised continuous airworthiness maintenance programs, is in a position to establish procedures, for necessary flights to a maintenance base, that will assure an adequate level of safety. Therefore, requiring a separate application for each ferry flight, as is now necessary, places what appears to be a burden upon both the certificate holder and the FAA, where each request must be handled individually with the FAA assigned maintenance inspector. By a recognition of these reoccurring situations, an economy in time and paper work will result while the purpose of the special flight permit can be maintained.

Accordingly, the FAA proposes to amend the Federal Aviation Regulations so that, upon application by the Part 121 certificate holder, a special flight permit with a continuing authorization for ferry flights, may be issued in the operations specifications of that certificate holder. These operations specifications will also contain any conditions and limitations that are necessary for the particular types of ferry flights comparable to the limitations contained in a special flight permit issued under § 21.199. The FAA further proposes that the applicable operations specifications be carried within the aircraft during such flights to comply with the requirements in § 91.27.

In consideration of the foregoing, it is proposed to amend Parts 21 and 91 as follows:

1. By amending § 21.197 by adding the following new paragraph (c) after paragraph (b).

§ 21.197 Special flight permits.

* * * * *

(c) Upon application, as prescribed in § 121.179, a special flight permit with a continuing authorization may be issued to a Part 121 certificate holder, for aircraft that may not meet applicable airworthiness requirements but are capable of safe flight, for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The authorization issued under this paragraph, and any conditions and limitations for flight, are prescribed in the certificate holder's operations specifications.

2. By amending the introductory language of § 21.199(a) to read as follows:

§ 21.199 Issue of special flight permits.

(a) Except as provided in § 21.197(c), an applicant for a special flight permit must submit a statement, in a form and manner prescribed by the Administrator, indicating—

* * * * *

3. By amending subparagraph (a)(1) of § 91.27 to read as follows:

§ 91.27 Civil aircraft certificate required.

(a) * * *

(1) An appropriate and current airworthiness certificate (including a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c), or an authorization under § 91.45); and

* * * * *

This proposal is made under the authority of sections 313(a), 601(c), 603 and 604(a) of the Federal Aviation Act of 1958 (14 CFR 1354(a), 1421, 1423 and 1424).

Issued in Washington, D.C., on October 18, 1967.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-12557; Filed, Oct. 24, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 67-EA-91]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending Section 39.13 of Part 39 of the Federal Aviation Regulations so as to require the incorporation of a heater outer pass drain in Fairchild Hiller F-27 type airplanes equipped with a combustion heater system.

Smoke contamination of the crew and passenger compartment has been reported due to a combustion chamber crack. This crack permitted a residual fuel fire in the combustion heater outer passage. Since this condition could exist or develop in airplanes of the same type, the proposed airworthiness directive would require a modification to the heating system.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to add the following airworthiness directive as hereinafter described:

1. Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add a new airworthiness directive as follows:

FAIRCHILD HILLER. Applies to all F-27 type aircraft Serial Nos. 1 to 95 inclusive incorporating a combustion heater system.

Compliance required as indicated unless already accomplished, or unless installed heaters are rendered electrically inoperative and heater controls are placarded to prohibit operation prior to compliance with this AD.

To preclude the possibility of residual fuel fire in the heater outer air passage due to lack of adequate drainage, accomplish the following:

(a) Within the next 400 operational heater hours after the effective date of this AD, incorporate a heater outer pass drain installation in accordance with Fairchild Service Bulletin No. 21-68 Revision No. 1 dated November 10, 1964, or later FAA approved revision, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon the effective date of this AD heater operational hours will be logged until such time as the AD has been complied with.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12590; Filed, Oct. 24, 1967; 8:49 a.m.]

[14 CFR Part 39]

[Docket No. 67-EA-82]

AIRWORTHINESS DIRECTIVE

Found Brothers Aviation, Ltd., Aircraft

The Federal Aviation Administration is considering amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to require repetitive inspections and replacement of the forward wing to fuselage attachment on Found Brothers Aviation, Ltd., FBA-2C aircraft.

This proposed airworthiness directive is predicated upon the Canadian Department of Transport AD 66-6 which was necessitated by the failure of a forward wing to fuselage attachment NAS 145 bolt.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties. In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

1. Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue

a new airworthiness directive described as follows:

FOUND BROTHERS AVIATION LTD. Applies to FBA-2C aircraft.

Compliance required as indicated.

To preclude the failure of the forward wing to fuselage attachment either by the failure of the attachment bolt or by the cracking of the wing root rib web around the attachment fitting, accomplish the following:

(a) Replace the wing to fuselage forward attachment NAS 145 bolt with an unused bolt of the same part number or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 350 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last replacement.

(b) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, and thereafter at intervals not to exceed 250 hours' time in service from the last inspection, visually inspect for cracks the wing root ribs repaired in accordance with either Found Brothers repair 2C39-18, Issue 2, or 2C39-19, Issue 2, or equivalent repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 49 U.S.C. 1354(a), 1421, and 1423.)

Issued in Jamaica, N.Y., on October 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12559; Filed, Oct. 24, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 67-EA-90]

AIRWORTHINESS DIRECTIVE

Lycoming Engines

The Federal Aviation Administration is considering amending Section 39.13 of Part 39 of the Federal Aviation Regulations so as to require the replacement of hydraulic lifter P/N 76289 in Lycoming Engines.

There have been instances when the use of the limited travel hydraulic lifter P/N 76289 has resulted in valve failure. Since this condition is likely to exist in other engines of the same type, the proposed airworthiness directive would require replacement of the lifter.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

1. Amend § 39.13 of Part 39 of the Federal Aviation Regulations by issuing a new airworthiness directive described as follows:

LYCOMING. Applies to VO, IVO-360 Series; VO, TVO-435 Series; IGSO-480 Series excluding models IGSO-480-A1D6, -A1E6, -A1G6; VO, IVO, TIVO-540 Series engines which incorporate the P/N 76289 hydraulic valve lifter.

Compliance required as indicated.

To prevent further valve failures replace hydraulic lifter P/N 76289 with P/N 78289 at the time in service specified below:

(a) TVO-435, VO-540, IVO-540, and TIVO-540 Series engines shall comply within 50 hours' time in service after the effective date of this AD.

(b) VO-360, IVO-360, VO-435, and IGSO-480 Series engines with less than 600 hours' time in service on P/N 76289 as of the effective date of this AD, shall comply prior to the accumulation of 650 hours' time in service on P/N 76289.

(c) VO-360, IVO-360, VO-435, and IGSO-480 Series engines with 600 or more hours' time in service on P/N 76289 as of the effective date of this AD shall comply within the next 50 hours' time in service.

(NOTE: Lycoming Service Bulletin No. 314A provides serial numbers of new and factory remanufactured engines which have the P/N 76289 hydraulic valve lifter.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on October 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12560; Filed, Oct. 24, 1967; 8:47 a.m.]

[14 CFR Parts 121, 127]

[Docket No. 7654; Notice 67-47]

AIRCRAFT PROVING TESTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 121 and 127 of the Federal Aviation Regulations to remove the requirement in §§ 121.163 and 127.73 for 50 or 25 hours of proving tests, as applicable, over authorized routes, and to except proving tests from the deviation authority in § 127.17(b).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 27, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In a petition for rule making, the Airline Transport Association of America (ATA) urges deletion of the provision requiring 50 hours or 25 hours, as may be the case, for operation over authorized routes as part of the 100 hours of aircraft proving tests required in § 121.163. It contends that the present regulations are a reflection of the days when air carriers were only authorized to operate over rigidly prescribed routes, and where a few trips coast-to-coast at the aircraft speeds of those days accumulated all the time prescribed in the regulation. While ATA has no disagreement with 100 hours being required for proving tests, it states these hours can and should be acquired during flights such as flight training, publicity flights and delivery flights. ATA further contends that existing training programs reach all flight and ground personnel required for the operation of a new aircraft, that the requirement for withdrawing aircraft for operation on routes is disruptive to orderly training programs which should be the cornerstone for the introduction of new high speed equipment, and that airport qualification, communications, and navigation checks are met in many ways other than through flights over authorized routes. ATA also takes the position in the petition that it is not necessary that all proving flights include FAA personnel aboard and request that this provision be eliminated.

While the ATA petition only concerned § 121.163, the FAA believes that the proving test requirements for helicopters under Part 127 involve the same considerations and should be identical with the requirements for airplanes. For that reason, § 127.73 is also considered in this Notice.

The FAA does not concur with the request to delete the requirement that proving tests be conducted under the Administrator's supervision. While the FAA conducts separate evaluations of aircraft, airmen, and certificate holders under Parts 121 and 127, the proving tests are the only tests that give the Administrator an overall look at all of these factors combined with respect to a new aircraft type before that type is introduced into airline services. To a large extent, supervision during the proving test is the means by which the Administrator determines that the certificate holder can operate the new equipment with the high standard of safety required by the Federal Aviation Act of 1958. However, the requirement that 50 or 25 hours, as the case may be, of the proving tests must be flown over authorized routes may be burdensome and no longer necessary in the interest of safety.

One of the purposes of requiring a certain number of proving test hours to be conducted over authorized routes is

to assure that flight personnel and ground personnel along the routes may become familiar with the peculiarities of new or different types of aircraft including operations, maintenance, servicing, and handling of these aircraft in an operational manner. This requirement for testing over authorized routes has been subject to criticism during the past several years. Among other things, the current regulation, while requiring flights over authorized routes, does not specifically require operations into airports being used.

By amending the requirement to require a scheduling of operations into a representative number of enroute airports as determined by the Administrator rather than requiring a specific number of hours over authorized routes, the regulation will assure that the tests will be under realistic average operating conditions rather than merely flying over routes building up enroute flying time with few takeoffs and landings. This in turn should assure that personnel at the airports where the aircraft will be serviced will be familiar with it. Therefore, while the overall hours of proving tests should remain unchanged, the FAA has under consideration the proposal that the specified number of hours over authorized routes be eliminated, and the effectiveness of the proving tests determined on performance into a representative number of enroute airports as determined by the Administrator under surveillance by the representative of the Administrator responsible for the operation. Under this proposal the FAA believes that a level of safety will be attained that will satisfy the basic reasons for the proving tests. At the same time, the proposed amendment will afford the certificate holder more latitude in the operation and in the preparation for service with the aircraft.

Another problem area which the FAA has under consideration concerns the deviation authorized under § 127.17(b). At present, this section allows a deviation from the Part, including proving tests, under certain circumstances. It is the opinion of the FAA that sufficient experience in helicopter operations has been gained to determine that proving tests are necessary in all cases in the interest of safety, and deviations from proving tests should not be permitted except as authorized under § 127.73(b)(2). It is therefore proposed to except proving tests from the deviation authority of § 127.17(b).

It is further proposed to amend the language in § 127.73(c) to more nearly conform with the language in § 121.163(e).

In consideration of the foregoing, it is proposed to amend Parts 121 and 127 of the Federal Aviation Regulations as follows:

1. By amending paragraphs (a) and (b) of § 121.163 as follows:

§ 121.163 Aircraft proving tests.

(a) No certificate holder may operate an aircraft not before proven for use in scheduled air carrier operations (flag and domestic air carriers) or in air carrier or commercial operator operations (supplemental air carriers and commercial operators) unless an aircraft of that type has had, in addition to the aircraft certification tests, at least 100 hours of proving tests under the Administrator's supervision including a representative number of flights into en route airports as determined by the Administrator. At least 10 hours of the proving tests must be flown at night.

(b) A certificate holder may not operate an aircraft of a type that has been proven for use in its class of operation if it has not previously proved that type, or if that aircraft has been materially altered in design, unless—

(1) The aircraft has been tested for at least 50 hours under the Administrator's supervision including a representative number of flights into en route airports as determined by the Administrator; or

(2) The Administrator specifically authorizes deviations when special circumstances make a full compliance with this paragraph unnecessary in a particular case.

* * * * *

2. By amending Part 127 as follows:

a. By inserting the parenthetical phrase "(except § 127.73)" after the word "part" and before the phrase "for a particular operation" in § 127.17(b).

b. By amending § 127.73 as follows:

§ 127.73 Proving tests.

(a) No air carrier may operate a helicopter not before proven for use in air carrier operations, unless a helicopter of that type has had, in addition to the helicopter certification tests, at least 100 hours of proving tests under the Administrator's supervision including a representative number of flights into en route heliports as determined by the Administrator. At least 10 hours of the proving tests must be flown at night, if night operations are authorized.

(b) An air carrier may not operate a helicopter of a type that has been proven in commercial or extensive military service, if it has not previously used that type, or if that helicopter has been materially altered in design unless—

(1) The helicopter has been tested for at least 50 hours under the Administrator's supervision including a representative number of flights into en route heliports as determined by the Administrator; or

(2) The Administrator specifically authorizes deviations when special circumstances make a full compliance with this paragraph unnecessary in a particular case.

(c) No air carrier may carry passengers in a helicopter during proving tests, except for those needed to make the test and those designated by the Administrator. However, it may carry mail, express, or other cargo, when approved.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424).

Issued in Washington, D.C., on October 19, 1967.

RICHARD S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-12558; Filed, Oct. 24, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 4, 131]

[Docket No. R-331]

HYDROELECTRIC LICENSE APPLICATIONS FOR CONSTRUCTED MAJOR AND MINOR PROJECTS

Exhibit Relating to Protection and Enhancement of Fish and Wildlife Resources

OCTOBER 17, 1967.

1. Notice is given, pursuant to 5 U.S.C. 553, that the Commission is proposing to amend Part 4 and Part 131 of the regulations under the Federal Power Act to require the submission of an Exhibit S relating to the conservation of fish and wildlife resources with applications for license for constructed major and minor projects. The Commission, in Order Nos. 323, issued June 17, 1966, and 350, issued June 26, 1967, prescribed an Exhibit S, identical to the one here proposed, for use in connection with applications for license for unconstructed major projects, constructed major projects for which a license is sought under section 15 of the Federal Power Act and unconstructed minor projects. By Order No. 350 we indicated that we would consider the desirability of further amending the regulations to prescribe an Exhibit S for other classes of projects for which an Exhibit S is not now required.

2. As in the case of unconstructed projects and major constructed projects for which a new license is sought under section 15, we believe that the submission of an Exhibit S would expetite the processing of both major and minor constructed project license applications by identifying problems with respect to fish and wildlife resources and suggesting possible solutions thereto at the time of the filing of applications. It would also facilitate the Commission's compliance with the requirements of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 666) for consultation with the U.S. Fish and Wildlife Service, Department of the Interior, and appropriate State fish and wildlife agencies on the conservation of fish and wildlife resources affected by a project.

3. This amendment is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 4(e), 9, 10(a), 10(i), and 309 thereof (41 Stat. 1065, 1068; 49 Stat. 858; 16 U.S.C. 797(e), 802, 803, 825h).

4. Accordingly, it is proposed to amend §§ 4.50 and 131.6, Chapter I, Title 18 of

the Code of Federal Regulations as follows:

(a) The following exception contained in § 4.50 is deleted:

§ 4.50 Contents.

* * * * *

Exhibit S. This exhibit shall not be required for license applications on constructed projects, except with respect to applications for licenses under section 15 of the Federal Power Act.

* * * * *

(b) Section 131.6 is amended by revising the opening sentence of the description of Exhibit S to read as follows:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

* * * * *

Exhibit S, to be submitted with applications for all minor projects shall show the following information:

* * * * *

5. Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 27, 1967, data, views, comments, and suggestions in writing concerning the proposed revision in the regulations under the Federal Power Act. An original and fourteen conformed copies of any such submittals should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

By the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12531; Filed, Oct. 24, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–v]

CONCORD GRAPES FROM CANADA

Withholding of Appraisement Notice

OCTOBER 19, 1967.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price of Concord grapes from Canada is less, or likely to be less, than the foreign market value as defined, respectively, in sections 203 and 205 of that Act, as amended (19 U.S.C. 162 and 164).

Customs officers are being directed to withhold appraisement of Concord grapes imported from Canada, in accordance with the provisions of § 14.9(a) of the Customs regulations (19 CFR 14.9(a)).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on September 18, 1967. Pursuant to § 14.6(d), Customs regulations (19 CFR 14.6(d)), an "Antidumping Proceeding Notice" pertaining to this merchandise was published on page 14607 of the FEDERAL REGISTER of October 20, 1967.

This notice is published pursuant to § 14.6(e) of the Customs regulations (19 CFR 14.6(e)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67–12568; Filed, Oct. 24, 1967; 8:48 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3–B]

FINISHED TUBELESS TIRE VALVES FROM WEST GERMANY

Determination of Sales at Not Less Than Fair Value

OCTOBER 18, 1967.

On August 24, 1967, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that finished tubeless tire valves imported from West Germany are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until September 23, 1967, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

The attorney for one of the exporters submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the attorney, and all interested parties of record were notified.

After consideration of all written and oral arguments presented, I hereby determine that finished tubeless tire valves imported from West Germany are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of new or additional reasons:

Price revisions were made with regard to all types of finished tubeless tire valves as to which margins were found. In addition assurances were given that regardless of the determination of this case, there would be no future sales for exportation to the United States at prices which could be construed to be at less than fair value within the meaning of the Antidumping Act. In view of the price revisions and assurances the complaint was withdrawn.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–12570; Filed, Oct. 24, 1967; 8:48 a.m.]

[Antidumping—ATS 643.3–B]

FIXED RESISTORS OF CARBON COMPOSITION FROM JAPAN

Antidumping Proceeding Notice

OCTOBER 19, 1967.

On August 10, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that fixed resistors of carbon composition imported from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Lincoln & Stewart, Washington, D.C., attorneys for the Stackpole Carbon Co., St. Marys, Pa.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States for fixed resistors of carbon composition from Japan are substantially lower than the prices for the same types sold for home consumption.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67–12567; Filed, Oct. 24, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE COMMUNICATIONS AGENCY

Mission, Organization, and Functions

The following organization statement supersedes that published at 32 F.R. 12123:

1. *Purpose.* This Directive consolidates and defines the mission, responsibilities, functions, authorities, and command relationships of the Defense Communications Agency (DCA), and its Director, in consonance with additional responsibilities and functions assigned subsequent to the issuance of DoD Directive 5105.19, November 14, 1961 (canceled herein).

2. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of section 125, Title 10, United States Code, the DCA is established as an agency of the Department of Defense (DoD) under the direction, authority, and control of the Secretary of Defense.

3. *Definitions*—a. *Defense Communications System (DCS).* The DCS is the single worldwide complex comprising all long-haul, point-to-point communications facilities, personnel, and material within the Department of Defense down to but not including: (1) Mobile and transportable facilities organic to field armies, fleets, air forces, and fleet marine forces; (2) ship/ship, ship/shore/ship, air/air, ground/air/ground, and other tactical (as defined in DoD D 4630.5 [1]); (3) post, camp, base, and station user/subscriber terminal facilities; and (4) those on-site communications facilities associated with or integral to weapon systems; e.g., "Minuteman," "Polaris," "Nike/Zeus." It shall include the assets of the Defense Satellite Communications System (DSCS) except any portions which shall be specifically designated as primarily tactical in nature and to be excluded from the DCS. This definition is amplified as follows:

(1) The interface point of post, camp, base, station (fixed or mobile) facilities (non-DCS) with the DCS is established at the main distribution frame (MDF) of the user/customer facility or in specific cases if required any other point agreed to between DCA and the Services or as prescribed by the Joint Chiefs of Staff. All interface standards will be established by the DCA.

(2) Communications for weapon destruct at missile and air defense launch and firing complexes and for command, countdown, control, and range safety are non-DCS unless specifically included; however, the interface standards required at the MDF will be the responsibility of the DCA.

(3) Consoles and display devices integral to unified and specified command and their component headquarters, and of the military services command and control operations centers are non-DCS. These facilities must be operationally and technically compatible with the DCS. Prescribing interface standards is the responsibility of DCA.

(4) Included in the DCS are those communications, whether based on land, sea, or in the air, required to interconnect the primary and alternate fixed or mobile command posts of the President, the Secretary of Defense, the Joint Chiefs of Staff, and unified/specified commanders, with fixed DCS facilities.

b. *The National Military Command System (NMCS).* As defined in DoD Directive S-5100.30, reference (h) [2].

c. *Management control.* As used in this directive, management control means authority for the direct supervision, coordination and review, and, within approved programs, the continuing supervision, review, and guidance to achieve the management objectives outlined in this directive.

d. *Operational Direction.* The authoritative direction necessary to insure effective operation of the DCS. It includes: authority to direct the operating elements of the DCS, assign tasks to those elements, and supervise the execution of those tasks; reallocation of DCS operational facilities to accomplish DCA's mission; establish and prescribe a single set of standards, practices, methods, and procedures for the performance and operation of the DCS, and analyze the system performance and operation of the DCS.

e. *Operation and Maintenance (O&M) Management.* The responsibilities of the operating elements for the accomplishment of assigned tasks in the DCS. It includes the development of logistic and personnel support plans, the evaluation of assigned station, facility and personnel performance, the application and enforcement of approved engineering, installation and operations methods, standards, practices, and procedures, the supervision and training of personnel and the management of resources in accordance with applicable directives.

f. *Operating Elements of the DCS.* Organizations/units within the U.S. Army, U.S. Navy, U.S. Air Force, and U.S. Marine Corps that operate and maintain facilities which have been included in the DCS.

g. *DCA Field Organizations.* Those elements of the DCA which are under the command of the Director, DCA, but are organizationally separate from the DCA headquarters.

h. *The DCS Plan.* A system plan, updated annually and covering the time frame from date of submission to 10 years in the future, containing in detail near-term requirements and major DCS subsystem/projects, and the interface relating to posts, camps, bases and stations, weapons systems, and field armies, air forces, fleets, and fleet marine forces for the evolutionary development and improvement of the DCS in fulfilling communications needs of the DoD and other governmental agencies as directed. This plan will be in consonance with the broad strategic guidance contained in the Joint Long Range Strategic Study (JLRSS), the Joint Strategic Objectives Plan (JSOP), Joint Strategic Capabilities Plan (JSCP), the Joint Research and Development Objectives Document (JRDOD), the DoD 5-Year Defense Plan, and the U.S. Base Requirements Overseas (USBRO).

i. *System Engineering.* The application of recognized engineering concepts, techniques, and principles to the development of system technical criteria to be used in planning for the DCS.

j. *Subsystem/Networks.* The first order breakdown of the DCS into its major integral components; e.g., switched networks (AUTOVON), switched subsystems (AUTOSEVOCOM, DSSCS) and transmission systems (Integrated Wideband Communications System, North Atlantic Radio System, High Frequency Radio and Cable Systems).

k. *Subsystem/Project Plan.* A plan that proposes new subsystem/projects or modifications and alterations to existing subsystem/projects necessary for the support of validated user requirements and approved DoD objectives. The plan will include the objectives of the planned subsystem/project, comparative analysis of alternate methods and means of satisfying the requirements, estimated costs for each alternative, recommended alternatives, recommended assignment for procurement, installation, operation and maintenance responsibilities, desired implementation schedule, and programing and funding required for implementation. In addition, the plan will include the requisite data specified in DoD D 4630.1.[1]

l. *Subsystem/Project Engineering.* The application of that engineering necessary to support technically the development of the subsystem/project plan.

m. *Management/Engineering Plan.* A compilation of planning documents, prepared with assistance from participating organizations and contractors, which places in context the plans, schedules, costs and scope of all work and resources to be provided by each participating organization. It will identify, or specify: interface requirements; technical and operational standards; equipment to be used; specifications and work statements required; assignment of responsibility for conduct of the effort; a schedule for task accomplishment; and progress reports required. The Management/Engineering Plan is the control document to assure effective program implementation by all participating organizations.

n. *Implementation/Installation Plan.* A plan(s) prepared by the military departments as a result of being tasked by an approved DCS plan or subsystem/project plan. The plan(s) is a document in such detail as is necessary to serve as a guide for implementation. It would normally include installation instructions, technical specifications, performance specifications, test procedures, and standards.

o. *Installation Engineering.* That application of recognized technology, tech-

[1] Filed as part of original document. Copies available at Publications Counter, OASD(A), Room 3B 200 Pentagon, or OX 52167.

[2] Not available to the public.

niques, and principles required to implement a program and to prepare the management/engineering plan (less management aspects) and the implementation/installation plan.

4. *Mission.* The mission of the DCA is to:

a. Ensure that the Defense Communications Systems (DCS) will be so planned, engineered, established, improved and operated as to effectively, efficiently, and economically meet the long-haul, point-to-point telecommunications requirements of the DoD and of other governmental agencies as directed.

b. Obtain the maximum economy and efficiency in the allocation and management of DoD communications resources. This includes: the specifications of interfaces with non-DCS elements, recommending measures, as necessary, to promote economy and efficiency in integrated DCS/non-DCS stations, and analysis of those DoD communications activities and facilities which can be fully integrated or collocated with the DCS operating elements.

c. Provide for systems engineering and technical supervision of technical support to the NMCS and of such related systems as may be further assigned.

d. Perform those functions and carry but those responsibilities assigned by DoD D C-5200.5, DoD D S-5100.19, DoD D C-3100.2, DoD D 4630.1, DoD D 5100.35, DoD D 5100.41 and DoD D S-5100.30[2] and such other directives as may be issued by competent authority and which are not explicitly addressed in this directive.

5. *Organization and command.* a. The DCA shall consist of a Director, a headquarters establishment, and such subordinate units, facilities, and activities as are specifically assigned to the Agency by the Secretary of Defense or by the Joint Chiefs of Staff acting by authority and direction of the Secretary of Defense.

b. The chain of command shall run from the Secretary of Defense through the Joint Chiefs of Staff to the Director, DCA. Guidance to the Director, DCA, shall be furnished by the Secretary of Defense, or by the Joint Chiefs of Staff by the authority and direction of the Secretary of Defense.

c. The Director, DCA, shall establish and operate the single DCA Operations Control Complex (DOCC) consisting of that number of communications control centers requisite to the accomplishment of the DCA mission. No other control/reporting system for the overall DCS is authorized.

6. *Responsibilities.* a. The Director, DCA, shall be responsible for:

(1) Developing an effective, efficient, and economical DCS responsive to the needs of the National Command Authorities, the DoD, and other governmental organizations as directed.

(2) Commanding the DCA and its field organizations.

(3) Ensuring that the DCA area commanders in overseas areas are responsive to the operational needs of the respective unified commanders, and other authorized users.

(4) Exercising operational direction of the operating elements of the DCS, to include continuing evaluation of the performance of the DCS and informing users and operating elements as to its status.

(5) Functioning as the principal advisor to the Secretary of Defense, and as an advisor to the Secretaries of the military departments, the Joint Chiefs of Staff, and to the commanders of the unified and specified commands on matters concerning the DCS.

(6) Recommending the composition of the DCS to the Secretary of Defense through the Joint Chiefs of Staff.

(7) Developing, issuing, reviewing, and approving, as appropriate, the DCS Plan, subsystem/project plans, management engineering plans, and reviewing and approving implementation/installation plans for consonance with subsystem/project plans, management engineering plans, and compliance with the DCS standards and criteria.

(8) Developing the engineering, operating, and maintenance standards for the DCS and the technical design standards for equipment and facilities to be used therein; developing and providing engineering and installation standards for the interface of non-DCS equipment and facilities with the DCS. These standards shall be the only standards authorized for use in the DCS for these purposes.

(9) Planning, designing, and engineering the DCS as a system and providing tasking guidance to the military departments.

(10) Providing policy, planning, programing, engineering, standardization guidance, and operational direction to ensure compatibility in the development, acquisition, and operation of the DCS.

(11) Preparing technical support plans, including technical system design for the acquisition of an operating system responsive to approved functional systems design for the NMCS; performing continuing systems engineering and exercising technical supervision over the implementing agencies for each component of the NMCS; providing tasking guidelines to the military departments for implementation of technical support to the NMCS.

(12) Establishing systems configuration and schedules, and the approval of related modifications; coordination and integration between ground and space-borne elements; and preparing and disseminating technical standards for those portions of the Defense Communications Satellite Program assigned as a DCA responsibility.

(13) Directing and controlling DCA activities with respect to the leasing of commercial communications facilities, circuits, and associated services for the DoD and for other governmental agencies as directed.

(14) Providing computer software programs to the DCS and NMCS.

(15) Managing DCS systems/projects assigned for exceptional management under the provisions of DoD D 5010.14.[1]

b. The Joint Chiefs of Staff: Under the authority and direction of the Secretary of Defense, the Joint Chiefs of Staff shall be responsible for:

(1) Reviewing, validating, and processing communications requirements submitted in accordance with DoD D 4630.1.[1]

(2) Reviewing and providing recommendations on the DCS plan, subsystem/project plans, management engineering plans, other joint communications plans, and related programing documents to assist in determining their adequacy, feasibility, and suitability in support of assigned operational missions.

(3) Referring pertinent plans and related documents to the unified and specified commanders for review.

(4) Formulating policy and guidance as well as functional design, operation, and management of the NMCS and determining communications requirements in support of the NMCS.

(5) Providing to the Director, DCA, such information as will enable him to accomplish his mission.

(6) Obtaining the assistance, advice, and recommendations of the Director, DCA, on matters which impact on his areas of responsibility.

(7) Providing policy and guidance to the Director, DCA, and the unified and specified commanders which will serve as the basis for establishing and standardizing the relationships between the DCA field organizations and the unified and specified commands.

c. Unified and Specified Commanders shall be responsible for:

(1) Assessing the responsiveness of the DCS to their operational needs.

(2) Developing communications requirements in support of the command's assigned missions and responsibilities and processing communications requirements in accordance with DoD D 4630.1.[1]

(3) Reviewing communications plans and programs of their component commands, and those plans and programs which are referred, for consistency with their communications plans, programs, and previously validated requirements.

(4) Participating in the development, acquisition, and operation of those communications integral to their command and control systems.

(5) Providing to the DCA field organizations such informations as will enable them to accomplish their assigned tasks.

d. Overseas Unified Commanders shall be responsible for developing agreements to clearly delineate the command/operational relationships with the DCA field organizations within the unified commander's area of responsibility, to ensure responsiveness and coordination of effort.

e. The Secretaries of the Military Departments shall be responsible for:

(1) Planning, programming, budgeting, funding, detailed engineering, procurement, transportation, installation, testing, acceptance, manning, activation, deployment, operation, maintenance, training, administration, research and development, logistics, and other functions in support of the DCS, of selected elements of the NMCS as directed, and

[1] Filed as part of original document. Copies available at Publications Counter, OASD(A), Room 3B 200 Pentagon, or OX 52167.

[2] Not available to the public.

of other communications systems as assigned.

(2) Advising the Director, DCA, of shortages of funds, personnel, or facilities which would prevent effective operation and maintenance of existing systems, or prevent or delay scheduled implementation of new facilities; coordinating with the Director, DCA, on adjustments in approved program funds, personnel, or facilities that would affect the schedule or scope of new projects of the fulfillment of on-going projects.

(3) Ensuring full support and assistance to the Director, DCA, to accomplish the DCA mission.

(4) Developing, as tasked, or participating in the development of subsystem/project plans and management engineering plans for the DCS.

(5) Performing installation engineering and preparing implementation/installation plans and performing assigned tasks in accordance with system engineering criteria and standards set forth in approved subsystem/project plans and management engineering plans.

(6) Providing such technical reports, plans, specifications, work statements, and managerial, financial, and progress reports as requested by the Director, DCA, and commensurate with DCA responsibilities and authorities assigned herein.

(7) Developing communications requirements, reviewing and validating subordinate command requirements, and submitting these requirements in accordance with DoD D 4630.1.[1]

(8) Exercising operations and maintenance (O&M) management over those tasks, functions, facilities, and resources assigned that are in support of or related to the DCS.

(9) Conducting research and development, as specified in the DCS plan, to include that for communications-electronics equipment and components, both within the DCS and interfacing with the DCS.

f. Military Commanders shall be responsible for the utilization and employment of DCS services allocated to them.

g. Other DoD Agencies. Other DoD agencies shall, within their assigned areas of responsibility, develop their communications requirements and forward them to the Secretary of Defense in accordance with reference (e).[1]

7. *Functions of DCA.* Under the authority and direction of its Director, DCA shall perform the following functions:

a. *General.* (1) Review continuously the responsibilities assigned the DCA and those of other DoD components supporting the DCA and recommend modifications of this directive as appropriate.

(2) Provide guidance and assistance, as appropriate, to the military departments, Defense agencies, and other governmental agencies on matters pertaining to the leasing of commercial communications facilities, circuits, and associated services.

(3) Procure, account, and pay, on a reimbursable basis in accordance with DoD Directive 7410.4,[1] March 13, 1967, for leased private-line communications facilities and equipment for the DoD, where authorized, and for other governmental agencies as may be designated by the Secretary of Defense.

(4) Collaborate with and support the military departments and other DoD components in the development of Service program/budget proposals, including special reviews, program change requests (PCRs), annual program/budget submissions, apportionment requests, reprogramming requests, and other actions related to the financial management of the DCS and NMCS programs. Advise the Secretary of Defense, the military departments, and other DoD components, as appropriate, of program/budget requirements to assure satisfactory financial support of DCA-managed programs.

b. *Planning.* (1) Receive, consolidate, and analyze:

(a) Telecommunications requirements validated by the Joint Chiefs of Staff, the unified and specified commands, the military departments, other DoD agencies, and other government agencies as directed to ensure that DCS capabilities are considered in fulfillment of the requirements.

(b) Validated technical support requirements submitted by the Joint Chiefs of Staff for the NMCS.

(2) Prepare the DCS plan for submission to the Secretary of Defense, through the Joint Chiefs of Staff.

(3) Develop or review subsystem/project plans for fulfilling validated requirements and submit to the Secretary of Defense, through the Joint Chiefs of Staff, for review and approval for: the establishment, interconnection, consolidation, rehabilitation, expansion, improvement, or disestablishment of elements of the DCS; the provision of standby, transportable, mobile, and depot-stocked equipment for emergency and contingency situations; the adoption and integration into the DCS of new communications equipments, modes, and techniques, as available; and the interconnection, rehabilitation, expansion, improvement, or disestablishment of elements of the NMCS.

(4) Prepare or recommend assignment of responsibility for preparation of management engineering plans to accomplish implementation of approved subsystem/project plans.

(5) Review and approve management engineering plans and implementation/installation plans prepared by others.

(6) Recommend assignment to the military departments and DoD agencies responsibility for: planning, programing, budgeting, engineering, acquisition, installation, operation and maintenance of specified elements of the DCS, selected elements of the NMCS, or other communications systems.

(7) Execute such planning and programing tasks for the NCS as may be assigned and directed by the Secretary of Defense in his capacity as Executive Agent, NCS.

c. *Programing.* (1) Provide technical advice and recommendations, when requested, to appropriate elements of the Office of the Secretary of Defense and others, as required, as to be sufficiency and status of programs which are in support of the DCS missions and responsibilities, either under formulation or execution.

(2) Prepare the program for the communications support provided to the Office of Emergency Planning (OEP).

d. *Budgeting.* Prepare and submit the DCA annual program/budget estimates for operation and maintenance, procurement, construction, research, development, test, and evaluation to include the assignment of appropriate program priorities.

e. *Engineering.* (1) Perform system engineering and subsystem/project engineering and, with respect to internal DCA projects (i.e., facilities to be solely owned and operated by DCA), those aspects of installation engineering which are required for the preparation of management engineering plans.

(2) Ensure that management engineering plans contain sufficient detailed technical and engineering data and guidance for the preparation of implementation/installation plans and subsequent implementation by designated military departments.

(3) Review and approve implementation/installation plans and equipment and contract specifications prepared by the military departments, the DoD agencies, and, as appropriate, by other government agencies for conformance with approved subsystem/project plans for the DCS.

(4) Prescribe technical design, engineering, installation, maintenance, and performance standards for the DCS and NMCS and for the interface of non-DCS facilities with the DCS.

(5) Publish lists of standard equipment for use in the DCS.

(6) Perform technical support as outlined in DoD D S-5100.30[2] for the NMCS and other programs specifically assigned.

f. *Operations.* (1) Utilizing resources available, be responsive to the operational needs of the National Command Authorities, the DoD, and other approved users of the DCS.

(2) Prescribe the operations, maintenance, installation, and personnel performance standards, practices, methods, and procedures of the DCS.

(3) Allocate, reallocate, and direct restoral of circuits and channels of the DCS and rerouting of circuits of the DCS for the authorized users of the system based on approved requirements and in accordance with established procedures.

(4) Operate and maintain the DOCC through which:

(a) The Director, DCA, can exercise operational direction directly over technical control facilities and traffic handling elements functioning as part of the DCS.

[1] Filed as part of original document. Copies available at Publications Counter, OASD(A), Room 3B 200 Pentagon, or OX 52167.

[2] Not available to the public.

(b) Operational status, traffic conditions, problem areas, etc., of DCS facilities, networks, switches, and terminals, can be obtained or determined directly from DCS stations and technical control facilities and provide that information to the users and operating elements of the DCS.

(5) Maintain computer software programs for the DCS and the NMCS, as required.

(6) Maintain a current data base on the location, use, and operational status of all DCS fixed and transportable facilities. The data base will include networks, circuits, switches, terminals, technical controls, power equipment and such other elements as deemed necessary.

(7) Conduct periodic exercises to test the effectiveness of the DCS, advising the Joint Chiefs of Staff and the Secretary of Defense of deficiencies, together with appropriate recommendations.

(8) Maintain necessary radio frequency records, analyze frequency utilization, and request the assignment or reassignment of radio frequencies required for the DCS; in emergencies direct temporary assignment and reassignment of those frequencies which have been made available for use in the DCS.

(9) Accomplish for the command centers of the NMCS such operating support as may be specifically directed by the Secretary of Defense.

(10) Perform continuing analysis and operational evaluation of DCS activities and facilities to determine system performance, cost effectiveness, and assure adherence to DCS standards and operating practices.

g. *Research and development.* (1) Review and coordinate communications research and development programs of the military departments, DoD agencies, and other governmental agencies which are in support of DCA missions, responsibilities, and functions to ensure effective integration, standardization, and compatibility.

(2) When so authorized, assume management control of specific DCS and NMCS communications and command and control research and development programs.

(3) Maintain current status of research and development programs and budgets in support of the DCS, or other communications and command and control systems specifically assigned.

(4) Examine basic research programs and new techniques for possible application to the DCS, for selected elements of the NMCS, or for other assigned communications systems; initiate technical feasibility studies of new concepts which have application to the DCA mission and responsibilities.

(5) Recommend research and development programs or projects required to ensure progressive improvement of the DCS, for selected elements of the NMCS, or for other assigned communications systems as appropriate.

3. *Relationships.* a. In the accomplishment of its mission, the DCA, under its Director, shall:

(1) Coordinate actions, as appropriate, with the Joint Chiefs of Staff, the military departments, other DoD components, and governmental agencies having collateral or related functions in the field of its assigned responsibility.

(2) Maintain active liaison for the exchange of information and advice with all components of the DoD and other governmental agencies.

(3) Be responsive to the operational needs of the National Command Authorities, the unified and specified commands, and other users of the DCS.

(4) Make full use of established facilities in the military departments, other DoD agencies, and other departments of the government, rather than unnecessarily duplicating such facilities.

b. The military departments and other DoD components will provide full support and assistance to the Director, DCA, in accomplishing his mission. The operating elements of the DCS will be responsive to the operational direction of the Director, DCA.

9. *Authority.* To discharge the responsibilities of the DCA, the Director, DCA, or his designee, is specifically delegated authority to:

a. Command the DCA and its field organizations.

b. Have free and unrestricted access to and direct communication with all elements of the DoD, as well as other organizations in the national command control and communications community.

c. Exercise management control and operational direction of the DCS, and redelegate such authority over DCS facilities and resources as appropriate.

d. Exercise management control over those research and development, planning, engineering, and programming activities of the military departments, unified/specified commands, and other DoD agencies in those areas of endeavor which directly support the establishment and progressive improvement of DCS and, within approved programs, the continuing guidance and supervision necessary to accomplish the DCA mission.

e. Prescribe procedures, principles, standards, and practices covering development, design, service test, engineering, installation, maintenance, and operation of the DCS.

f. Prescribe procedures, principles, standards, and practices covering development, design, service test, and engineering, installation, and maintenance in respect to techical support of the NMCS.

g. Issue guidance and instructions, as applicable, pertaining to the engineering, installation, and maintenance of the NMCS to the heads of the engineering agencies of the military departments.

h. Issue guidance and instructions, as applicable, pertaining to the engineering, installation, operation, and maintenance of the DCS, to the heads of the engineering and operating agencies of the military departments, unified/specified commands, components of the unified/specified commands, and other DoD agencies.

i. Obtain such plans, reports, and information from all components of the DoD as are required to accomplish the DCA mission.

j. Establish engineering standards, criteria, and interface parameters required to preserve the overall system compatibility for those communications within the DCS as well as for the interfaces for communications which must interconnect with the DCS.

10. *Administration.* a. The Director, DCA, and the Deputy Directors and the Assistant Deputy Directors for the DCS shall be commissioned officers of suitable general or flag rank appointed by the Secretary of Defense from officers of the Armed Forces on active duty, who normally shall be from different Services. There shall be no established system of inter-Service rotation or designation for these posts.

b. The appointment of other personnel, civilian and military, to the DCA will be subject to the approval of the Director, DCA.

c. The DCA will be authorized such personnel, facilities, funds, and other administrative support as deemed necessary by the Secretary of Defense.

d. The military departments and other DoD components shall provide support as necessary for the DCA.

e. Personnel, facilities, equipment, and other support required to maintain and operate specific elements of the DCS and other national communications facilities as assigned, for which a military department or other DoD component has been assigned responsibility, shall be provided from resources available to the department or component.

11. *Cancellations.* DoD Directive 5105.19, "Defense Communications Agency," November 14, 1961, is hereby cancelled and replaced by this Directive.

12. *Effective date.* This Directive is effective upon publication.

Delegations of Authority

Pursuant to the authority vested in the Secretary of Defense, the Director, DCA, or, in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instruction, and pertinent OSD regulations, authority as required in the administration and operation of DCA to:

1. Exercise the powers vested in the Secretary of Defense by section 1580 of Title 10 of the United States Code, and section 302 of Title 5 of the United States Code pertaining to the employment, direction and general administration of DCA civilian personnel.

2. Fix rates of pay for wage board employees exempted from classification in the general schedule by section 5102(c)(7) of Title 5 of the United States Code, on the basis of prevailing rates for comparable jobs in the locality where each installation is located. DCA, in fixing such rates, shall follow the wage schedule established by the local wage board.

3. Establish such advisory committees and employ such part-time advisors as approved by the Secretary of Defense for

the performance of DCA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109, and the agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

(4) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of section 2903 of Title 5 of the United States Code and designate in writing, as may be necessary, officers and employees of DCA to perform this function.

(5) Establish a DCA Incentive Awards Board and pay each award to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments or other personal efforts, including special acts or services, benefit or affect DCA or its subordinate activities in accordance with the provisions of section 4501 et seq. of Title 5 of the United States Code, and Civil Service Regulations.

(6) In accordance with the provisions of sections 3571, 7312, and 7532 of Title 5 of the United States Code, Executive Order 10450, dated April 27, 1953, as amended; by Executive Orders 10491, 10531, 10458, 10550 and DoD Directive 5210.7,[1] dated September 2, 1966 (as revised through January 31, 1967).

(a) Designate any position in DCA as a "sensitive" position;

(b) Authorize, in case of emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(c) Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DCA.

(7) Clear DCA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8,[1] dated February 15, 1962 (as revised). "Policy on Investigation and Clearance of Department of Defense Personnel or Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(8) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to DCA employees.

(9) Authorize and approve overtime work for DCA civilian officers and employees in accordance with the provisions of section 550.111 of the Civil Service Regulations, Volume II;

(10) Authorize and approve:

(a) Travel for DCA civilian officers and employees in accordance with the Department of Defense Joint Travel Regulations,

(b) Temporary duty travel only for military personnel assigned or detailed to DCA in accordance with Department of Defense Joint Travel Regulations, Volume 1, as amended;

(c) Invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DCA activities, pursuant to the provisions of section 5703 of Title 5 of the United States Code.

(11) Approve the expenditure of funds available for travel by military personnel assigned or detailed to DCA for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 512). This authority cannot be redelegated.

(12) Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

(13) Establish and use Imprest Funds for making small purchase of material and services other than personal for DCA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD instruction 7280.1,[1] dated January 5, 1962, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds".

(14) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DCA (44 U.S.C. 324).

(15) (a) Establish and maintain appropriate Property Accounts for DCA.

(b) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DCA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(16) Promulgate the necessary regulations for the protection of property and places under the jurisdiction of the Director, DCA, pursuant to subsections III. A and V.B. of DoD Directive 5200.8,[1] dated August 20, 1954.

(17) Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD directive 5025.1,[1] dated March 7, 1961.

(18) Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DCA.

(19) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

(20) Enter into and administer contracts, directly or through a Military Department or other Government Department or Agency, as appropriate, for supplies, equipment and services required to accomplish the mission of the DCA. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

(21) Enter into contracts for leasing of private line communications facilities for periods not exceeding 10 years, as prescribed in DoD Directive 5100.32,[1] dated November 9, 1962.

The Director, DCA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authorities is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

OCTOBER 13, 1967.

[F.R. Doc. 67-12529; Filed, Oct. 24, 1967; 8:45 a.m.]

[1] Filed as part of original document. Copies available at Publications Counter, OASD(A), Room 3B 200 Pentagon, or OX 52167.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 585 etc.]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3 together with any lands in the area described in paragraph 3 that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district

established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Ch. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1.171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands located in the following described areas are within Modoc and Lassen Counties north and northeast of Susanville. For the purpose of this proposed classification, the lands have been subdivided into areas, each of which has been analyzed and described in documents and maps available for inspection at the Susanville District Office, Bureau of Land Management, Fifth and Cedar Streets (Post Office Box 1090) Susanville, Calif. 96130, and in the Sacramento Land Office, 650 Capitol Mall, Sacramento, Calif. 95814. The descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ALTURAS AREA S 585

Modoc County

All public lands in:
T. 42 N., R. 9 E.,
Secs. 1, 2, 3, 10, 11, 12, 14, and 15.
T. 41 N., R. 10 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 13, inclusive.
T. 42 N., R. 10 E.,
Secs. 1 to 12, inclusive.
T. 40 N., R. 11 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 and 35.
T. 41 N., R. 11 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 42 N., R. 11 E.,
Secs. 1 to 12, inclusive.
T. 40 N., R. 12 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 20, inclusive;
Secs. 22 and 30.
T. 41 N., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 24 and 25;
Secs. 28 to 34, inclusive.
T. 42 N., R. 12 E.,
Secs. 5 to 7, inclusive;
Secs. 28, 29, 32, 33, and 34.
T. 43 N., R. 12 E.,
Secs. 22 to 27, inclusive.
T. 39 N., R. 13 E.,
Secs. 1 to 5, inclusive;
Secs. 11 and 12.
T. 40 N., R. 13 E.
T. 41 N., R. 13 E.
T. 42 N., R. 13 E.,
Sec. 1, SE¼NE¼;
Secs. 23 to 26, inclusive;
Sec. 35.
T. 43 N., R. 13 E.,
Secs. 2, 3, 10, 11, 13, and 15;
Secs. 19 to 24, inclusive;
Secs. 28 to 30, inclusive.
T. 44 N., R. 13 E.,
Secs. 1, 2, 3, 10, and 11;
Secs. 14 to 16, inclusive;
Secs. 22, 23, 26, 27, 34, and 35.
T. 45 N., R. 13 E.,
Secs. 27, 34, and 35.
T. 39 N., R. 14 E.,
Secs. 5 and 6.
T. 40 N., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 41 N., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 42 N., R. 14 E.,
Secs. 6 to 8, inclusive;
Secs. 17, 19, 30, and 31.
T. 43 N., R. 14 E.,
Secs. 4 and 5;
Sec. 7;
Secs. 17 to 19, inclusive.
T. 44 N., R. 14 E.,
Sec. 3;
Sec. 17;
Secs. 19 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 33, NE¼NE¼.
T. 46 N., R. 14 E.,
Sec. 33.
T. 47 N., R. 14 E.,
Sec. 25.
Except the following public lands:
T. 42 N., R. 9 E.,
Sec. 12, SE¼NE¼, NE¼SE¼.
T. 40 N., R. 11 E.,
Sec. 2, NE¼SW¼.
T. 41 N., R. 11 E.,
Sec. 14, NE¼NW¼.
T. 42 N., R. 11 E.,
Sec. 9, SE¼NE¼;
Sec. 10, NW¼NW¼.
T. 41 N., R. 12 E.,
Sec. 30, N½SE¼ and SW¼SE¼.
T. 43 N., R. 12 E.,
Sec. 23, NE¼NE¼.
T. 43 N., R. 13 E.,
Sec. 19, NE¼NW¼;
Sec. 24, SE¼SW¼.

SURPRISE AREA S 766

Lassen and Modoc Counties

All public lands in:
T. 36 N., R. 15 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 37 N., R. 15 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 38 N., R. 15 E.,
Sec. 36.
T. 44 N., R. 15 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 45 N., R. 15 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 46 N., R. 15 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 36 N., R. 16 E.
T. 37 N., R. 16 E.
T. 38 N., R. 16 E.
T. 39 N., R. 16 E.
T. 40 N., R. 16 E.
T. 41 N., R. 16 E.
T. 42 N., R. 16 E.
T. 43 N., R. 16 E.
T. 44 N., R. 16 E.
T. 45 N., R. 16 E.
T. 46 N., R. 16 E.
T. 47 N., R. 16 E.
T. 48 N., R. 16 E.
T. 36 N., R. 17 E.
T. 37 N., R. 17 E.
T. 38 N., R. 17 E.
T. 39 N., R. 17 E.
T. 40 N., R. 17 E.
T. 41 N., R. 17 E.
T. 42 N., R. 17 E.
T. 43 N., R. 17 E.
T. 44 N., R. 17 E.
T. 45 N., R. 17 E.
T. 46 N., R. 17 E.
T. 47 N., R. 17 E.
T. 48 N., R. 17 E.

MADELINE AREA S 767

Lassen and Modoc Counties

All public lands in:
T. 34 N., R. 10 E.,
Secs. 1, 2, and 3;
Secs. 10 to 16, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 35 N., R. 10 E.,
Secs. 13 and 14;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 36 N., R. 10 E.,
Secs. 13, 24, 25, and 36.
T. 38 N., R. 10 E.,
Secs. 25 and 36.
T. 31 N., R. 11 E.,
Sec. 1, NE¼NE¼.
T. 32 N., R. 11 E.,
Secs. 1 to 25, inclusive;
Sec. 26, N½N½;
Secs. 27 to 33, inclusive.
T. 33 N., R. 11 E.
T. 34 N., R. 11 E.
T. 35 N., R. 11 E.
T. 36 N., R. 11 E.
T. 37 N., R. 11 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 38 N., R. 11 E.,
Secs. 11 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 40 N., R. 11 E.,
Secs. 25, 35, and 36.
T. 30 N., R. 12 E.,
Secs. 10 to 14, inclusive;
Secs. 23 to 26, inclusive.
T. 31 N., R. 12 E.,
Secs. 1, 2, 4, 5, 6, 11, and 13.
T. 32 N., R. 12 E.
T. 33 N., R. 12 E.
T. 34 N., R. 12 E.
T. 35 N., R. 12 E.
T. 36 N., R. 12 E.
T. 37 N., R. 12 E.
T. 38 N., R. 12 E.,
Secs. 1, 7, and 8;
Secs. 11 to 36, inclusive.
T. 39 N., R. 12 E.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Secs. 22 to 26, inclusive;
Sec. 36.
T. 40 N., R. 12 E.,
Secs. 20, 21, and 22;
Secs. 26 to 36, inclusive.
T. 29 N., R. 13 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
T. 30 N., R. 13 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 31 N., R. 13 E.,
Secs. 1 to 29, inclusive;
Sec. 30, E½E½;
Sec. 31, E½E½;
Secs. 32 to 36, inclusive.
T. 32 N., R. 13 E.
T. 33 N., R. 13 E.
T. 34 N., R. 13 E.
T. 35 N., R. 13 E.
T. 36 N., R. 13 E.
T. 37 N., R. 13 E.
T. 38 N., R. 13 E.
T. 39 N., R. 13 E.,
Secs. 6 to 36, inclusive.

T. 29 N., R. 14 E.,
Secs. 1 to 18, inclusive.
T. 30 N., R. 14 E.
T. 31 N., R. 14 E.
T. 32 N., R. 14 E.
T. 33 N., R. 14 E.
T. 34 N., R. 14 E.
T. 35 N., R. 14 E.
T. 36 N., R. 14 E.
T. 37 N., R. 14 E.
T. 38 N., R. 14 E.,
Secs. 4 to 10, inclusive;
Secs. 16 to 36, inclusive.
T. 39 N., R. 14 E.,
Secs. 18, 19, and 20;
Secs. 29 to 32, inclusive.
T. 29 N., R. 15 E.,
Secs. 1 to 18, inclusive;
Sec. 24.
T. 30 N., R. 15 E.
T. 31 N., R. 15 E.
T. 32 N., R. 15 E.
T. 33 N., R. 15 E.
T. 34 N., R. 15 E.
T. 35 N., R. 15 E.
T. 36 N., R. 15 E.
T. 37 N., R. 15 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 38 N., R. 15 E.,
Secs. 32 to 35, inclusive.
T. 28 N., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 14, inclusive;
Sec. 24.
T. 29 N., R. 16 E.
T. 30 N., R. 16 E.
T. 31 N., R. 16 E.
T. 32 N., R. 16 E.
T. 33 N., R. 16 E.
T. 34 N., R. 16 E.
T. 35 N., R. 16 E.
T. 36 N., R. 16 E.,
Secs. 7, 8, and 9;
Secs. 15 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 28 N., R. 17 E.,
Secs. 1 to 28, inclusive;
Secs. 34, 35, and 36.
T. 29 N., R. 17 E.
T. 30 N., R. 17 E.
T. 31 N., R. 17 E.
T. 32 N., R. 17 E.
T. 33 N., R. 17 E.
T. 34 N., R. 17 E.
T. 35 N., R. 17 E.
Except the following public lands:
T. 36 N., R. 10 E.,
Sec. 13, N½NE¼.
T. 38 N., R. 10 E.,
Sec. 25, lots 9, 10, 11, 12, and 16.
T. 33 N., R. 11 E.,
Sec. 27, lot 1.
T. 36 N., R. 11 E.,
Sec. 13, S½NW¼ and W½SW¼;
Sec. 15, SW¼NW¼, NW¼SW¼, and E½SE¼;
Sec. 22, all except NW¼NW¼;
Sec. 23, S½NW¼ and SW¼;
Sec. 26, NW¼ and E½SW¼;
Sec. 27, NE¼ and N½NW¼;
Sec. 35, NE¼.
T. 37 N., R. 11 E.,
Sec. 10, SW¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 38 N., R. 11 E.,
Sec. 12, E½NE¼;
Sec. 17, NE¼ and N½SE¼;
Sec. 19, lot 1;
Sec. 20, SW¼NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 28, W½W½;
Sec. 32, SE¼SE¼;
Sec. 33, NW¼NW¼.
T. 36 N., R. 12 E.,
Sec. 3, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, N½SE¼;
Sec. 4, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼;
Sec. 5, lots 1, 2, and 3;
Sec. 32, NW¼NW¼.
T. 37 N., R. 12 E.,
Sec. 9, NE¼, N½SE¼, and SE¼SE¼;
Sec. 10, N½ and W½SW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NW¼NE¼ and NE¼NW¼;
Sec. 13, W½NW¼ and NW¼SW¼;
Sec. 14, E½NE¼, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 15, SW¼NW¼ and NW¼SW¼;
Sec. 32, SE¼SW¼ and S½SE¼;
Sec. 33, S½SW¼.
T. 34 N., R. 13 E.,
Sec. 1, SW¼;
Sec. 2, NE¼SE¼;
Sec. 11, NW¼NE¼;
Sec. 12, NE¼SW¼.
T. 36 N., R. 13 E.,
Sec. 17, SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, SW¼;
Sec. 28, N½N½, S½SW¼;
Sec. 33, N½NW¼.
T. 37 N., R. 13 E.,
Sec. 29, SW¼, W½SE¼, and SE¼SE¼;
Sec. 30, NE¼ and N½SE¼;
Sec. 32, NE¼NW¼, N½NE¼.
T. 39 N., R. 13 E.,
Sec. 15, N½NE¼.
T. 29 N., R. 14 E.,
Sec. 11, E½SE¼;
Sec. 12, W½SW¼.
T. 30 N., R. 14 E.,
Sec. 29, NW¼SW¼.
T. 36 N., R. 14 E.,
Sec. 8, S½SE¼;
Sec. 9, S½SW¼ and SW¼SE¼;
Sec. 15, SE¼NW¼ and NE¼SW¼.
T. 38 N., R. 14 E.,
Sec. 9, SE¼NE¼ and N½SE¼;
Sec. 10, N½SW¼.
T. 31 N., R. 15 E.,
Sec. 8, SW¼SE¼;
Sec. 9, NE¼SE¼ and S½SE¼;
Sec. 17, NW¼NE¼.
T. 33 N., R. 15 E.,
Sec. 9, SW¼SE¼;
Sec. 17, E½SE¼;
Sec. 21, NE¼NW¼.
T. 34 N., R. 15 E.,
Sec. 20, lot 7.
T. 36 N., R. 15 E.,
Sec. 23, NE¼NE¼.
T. 37 N., R. 15 E.,
Sec. 10, SE¼NW¼;
Sec. 15, NW¼NW¼.
T. 34 N., R. 16 E.,
Sec. 4, SE¼NE¼.
T. 35 N., R. 16 E.,
Sec. 6, lots 7, 8, and 9, SW¼NE¼.
T. 28 N., R. 17 E.,
Sec. 18, lot 4.

The public lands proposed to be classified aggregate approximately 1,057,414 acres.

4. As provided in Paragraph 2, the following lands totalling approximately 9,634 acres are further segregated from appropriation under the mining laws:

MOUNT DIABLO MERIDIAN

LASSEN COUNTY

All public lands in:
T. 32 N., R. 11 E.,
Secs. 1 to 5, inclusive;
Secs. 11 to 15, inclusive;
Secs. 22 and 23;
Sec. 26, NW¼ NW¼;
Sec. 27, N½ NE¼, NE¼ NW¼, lot 1;
Sec. 28, lots 1, 2, 3, and 4;
Sec. 33, lot 1.
T. 33 N., R. 11 E.,
Sec. 9, E½;
Secs. 10 to 13, inclusive;
Sec. 15;
Secs. 21 and 22;
Sec. 24;
Secs. 27 and 28;
Secs. 32 to 35, inclusive.
T. 32 N., R. 12 E.,
Sec. 5;
Secs. 7 and 8.
T. 33 N., R. 12 E.,
Secs. 18 and 19;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30, 31, and 32.

5. For a period of 60 days from the publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Susanville District Manager, Bureau of Land Management, Post Office Box 1090, Susanville, Calif. 96130, or at the public hearing.

6. A public hearing on this proposed classification will be held at 2:30 p.m. on November 14, 1967, in the Monticola Club, Susanville, Calif.

For the State Director.

REX J. MORGAN,
District Manager.

[F.R. Doc. 67-12544; Filed, Oct. 24, 1967; 8:46 a.m.]

[OR 1379]

OREGON

Notice of Classification of Public Lands

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for private lands in the same vicinity.

2. The lands affected by this classification are located in Lake County, Oregon, and are described as follows:

WILLAMETTE MERIDIAN

T. 24 S., R. 18 E.,
Sec. 31, lot 3, NE¼SW¼;
Sec. 32, E½NW¼.
T. 25 S., R. 18 E.,
Sec. 11, E½NE¼, NE¼SE¼, and fractional S½SE¼.
T. 27 S., R. 18 E.,
Sec. 13, SW¼ and W½SE¼;
Sec. 22, N½NE¼ and NE¼NW¼.
T. 27 S., R. 19 E.,
Sec. 7, lot 3, E½SW¼;
Sec. 15, NE¼;
Sec. 18, NW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 28, E½SW¼;
Sec. 29, SE¼SE¼ and SW¼SW¼;
Sec. 30, SW¼NE¼, SE¼NW¼, E½SW¼, S½SE¼, and NW¼SE¼;
Sec. 31, NE¼;
Sec. 32, W½W½, SE¼SW¼, and E½E½;
Sec. 33, W½W½ and SE¼SW¼;
Sec. 34, E½.
T. 28 S., R. 15 E.,
Sec. 11, NW¼SE¼;
Sec. 12, NW¼SW¼ and SW¼SE¼;
Sec. 14, NW¼NE¼ and S½NW¼.

T. 28 S., R. 16 E.,
Sec. 18, E½, lots 1, 2, E½NW¼, and NE¼SW¼;
Sec. 19, N½NE¼ and SE¼ NE¼.
T. 28 S., R. 19 E.,
Sec. 3, SE¼SE¼.

The lands described aggregate 3,438.13 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

For the State Director.

THOMAS J. O'KELLY,
Acting District Manager.

[F.R. Doc. 67–12545; Filed, Oct. 24, 1967; 8:46 a.m.]

[Utah 0130676, 0145305, 0145310, Inc.]

UTAH

Notice of Classification

OCTOBER 18, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through selection by the State of Utah, under Revised Statutes 2275 and 2276 (43 U.S.C. 851–852) as amended, as indemnity for an equal acreage of school lands lost to the State.

The lands affected by this classification are located in Grand County, Utah, and are described as follows:

SALT LAKE MERIDIAN

T. 22 S., R. 19 E.,
Sec. 21, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all.

The lands described aggregate 4,160 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 67–12546; Filed, Oct. 24, 1967; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1967.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 1037 for the withdrawal of land described below, from all forms of appropriation or disposition under the public land laws, including the mining laws but not the mineral leasing laws.

The applicant desires the land for the construction, operation and maintenance of the Auburn Dam and Reservoir of the American River Division, Central Valley Project and will be inundated by the reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 9 E.
Sec. 5, unpatented fractional portions of Mineral Lot 45 in W½NE¼.

The area described contains approximately 2 acres in El Dorado County.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 67–12547; Filed, Oct. 24, 1967; 8:46 a.m.]

[C–2702]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

OCTOBER 16, 1967.

In F.R. Doc. 67–11375, appearing at pages 13602–03 of the issue for Thursday, September 28, 1967, the following changes should be made:

Under T. 13 S., R. 100 W., sec. 17, "W½W½" should be "W½E½".

Sec. 28, "NW¼NE¼ portion of SE¼NE¼ and SW¼" should be: "N½, SW¼, portions".

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67–12548; Filed, Oct. 24, 1967; 8:46 a.m.]

National Park Service

[Order 46]

EASTERN MUSEUM LABORATORY

Delegation of Authority Regarding Purchasing and Contracting

Eastern Museum Laboratory, Branch of Museum Development, Springfield, Va.

SECTION 1. *Procurement Assistant.* The Procurement Assistant may execute, approve and administer contracts not in excess of $2,000 for equipment, supplies or services, in conformity with applicable regulations and statutory authority and subject to the availability of funds. 245 DM 1.1 (27 F.R. 6395).

HARTHON L. BILL,
Acting Director.

OCTOBER 18, 1967.

[F.R. Doc. 67–12549; Filed, Oct. 24, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Alabama and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Autauga.	Lauderdale.
Barbour.	Lawrence.
Blount.	Limestone.
Bullock.	Lowndes.
Butler.	Macon.
Cherokee.	Madison.
Chilton.	Marengo.
Choctaw.	Mation.
Clay.	Marshall.
Colbert.	Montgomery.
Coosa.	Morgan.
Cullman.	Pickens.
Dallas.	Pike.
De Kalb.	Randolph.
Elmore.	Russell.
Etowah.	Shelby.
Fayette.	Sumter.
Franklin.	Tallapoosa.
Greene.	Tuscaloosa.
Hale.	Walker.
Jackson.	Wilcox.
Jefferson.	Winston.
Lamar.	

NORTH CAROLINA

Clay.	Haywood.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can

qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-12600; Filed, Oct. 24, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 359]

ALBERT SYDNEY BONE AND A. S. BONE (MERCHANDISING), LTD.

Order Conditionally Restoring Export Privileges

In the matter of Albert Sydney Bone, 32 Station Road, Hounslow, Middlesex, England, Respondent, and A. S. Bone (Merchandising), Ltd., Pump Lane, Hayes, Middlesex, England, Related Party; Case No. 359.

By order dated July 11, 1966 (31 F.R. 9691), effective as of July 20, 1966, the above named respondent and another respondent were denied all U.S. export privileges for the duration of export controls. The order was also effective against the above named A. S. Bone (Merchandising), Ltd., and other parties who it was found were related parties to said Bone. The order provided that 3 years after the effective date thereof the respondents might apply to have the effective denial of export privileges held in abeyance while they remain on probation. For good and sufficient reasons the respondents were given permission to make such application after July 20, 1967. The above named respondent and related party have now filed such an application.

The said application was referred to the Compliance Commissioner and was considered by him. He has recommended that an order be entered whereby effective denial of the applicant's export privileges be held in abeyance and that they be placed on probation.

The record shows that the above parties have been subject to an order denying export privileges since April 6, 1966, when a temporary denial order was issued against them. This order was superseded by the denial order of July 11, 1966.

It appears from the representations of the parties and from examination into their activities that they have complied with the terms of the denial orders. For this reason and because of other developments in the case, the undersigned is of the opinion that the action recommended by the Compliance Commissioner is fair and just and is consistent with the purposes of the U.S. Export Control Act and regulations.

Accordingly, it is hereby ordered that effective denial of the export privileges of the respondent Albert Sydney Bone and of the related party A. S. Bone (Merchandising), Ltd. be held in abeyance and that said parties be placed on probation for the duration of export controls. The conditions of probation are that the said parties shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said parties have knowingly failed to comply with the conditions of probation, said official, with or without prior notice to said parties, by supplemental order, may revoke the probation of said parties and deny to said parties all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

Dated: October 18, 1967.

This order shall become effective forthwith.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-12565; Filed, Oct. 24, 1967; 8:48 a.m.]

Business and Defense Services Administration

FLORIDA STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 68-00065-80-43600. Applicant: Florida State University, Purchasing Department, Tallahassee, Fla. 32306. Article: A PETEX Harmonic Analyzer, Model No. 212 with tracer arm extension and mounted lens. Manufacturer: A. Ott, Germany. Intended use of article: Applicant states: "Instruction (Graduate and Senior Level)." Application received by Commissioner of Customs: August 9, 1967.

Docket No.: 68-00132-00-46040. Applicant: Columbia University, Purchasing Department, 515 Dodge, New York, N.Y. 10027. Article: External measuring voltage divider for the electron microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "modification of Siemens Electron Microscope." Application received by Commissioner of Customs: September 15, 1967.

Docket No.: 68-00133-00-46040. Applicant: Columbia University, Purchasing Department, 515 Dodge, New York, N.Y. 10027. Article: External measuring voltage divider for the electron microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "modification of Siemens Electron Microscope." Application received by Commissioner of Customs: September 15, 1967.

Docket No.: 68-00157-33-46040. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Philips EM-300-S Electron Microscope; Anticontamination device PW 2526-00; 70mm camera. Manufacturer: Philips Electronic Instruments, Holland. Intended use of article: High resolution studies of developing myelin sheath in central and peripheral nervous system; histochemical localization of enzyme activity on or within subcellular membraneous organelles. Application received by Commissioner of Customs: September 27, 1967.

Docket No.: 68-00158-33-46040. Applicant: University of Wyoming, Box 3354, University Station, Laramie, Wyo. 82070. Article: Norelco EM-300 Electron Microscope with specimen chamber cooling device. Manufacturer: Philips Electronic Instruments, Holland. Intended use of article: Critical studies of viral growth and reproduction in insects. Application received by Commissioner of Customs: September 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-12524; Filed, Oct. 24, 1967; 8:45 a.m.]

IIT RESEARCH INSTITUTE

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of

1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 68–00160–65–46040. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Ill. 60616. Article: Scanning electron microscope and goniometer stage. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Study of surfaces of various materials—metallic, ceramic, plastic, biological. Fracture studies, tool behavior, etc. Application received by Commissioner of Customs: September 28, 1967.

Docket No.: 68–00163–33–46040. Applicant: University of Pennsylvania, School of Dental Medicine, 4001 Spruce Street, Philadelphia, Pa. 19104. Article: Hitachi Model HU–11C Ultra High Resolution Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

> The electron microscope will be used by investigators in the departments of Pathology and Microbiology at the Dental School of the University of Pennsylvania. It will be used both for selected research problems of the staff and for the training of graduate students at the Ph. D. level.

Application received by Commissioner of Customs: October 2, 1967.

Docket No.: 68–00164–75–16600. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Dilution Refrigerator HE–3/HE–4, Model Mark III B, Mass Spectrometer, Resistance Bridge. Manufacturer: Oxford Instrument Co., Ltd., England. Intended use of article: For use in nuclear magnetic resonance experiments, symmetry test experiments, and at a later stage to produce polarized targets. Application received by Commissioner of Customs: October 2, 1967.

Docket No.: 68–00165–00–41700. Applicant: University of Maryland, Department of Physics and Astronomy, College Park, Md. 20740. Article: Laser rod. Manufacturer: Cie. Industrielle des Lasers, France. Intended use of article: For the production, in a laser, of extremely short and/or high power pulses. Application received by Commissioner of Customs: October 3, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–12525; Filed, Oct. 24, 1967; 8:45 a.m.]

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room, 5123, Washington, D.C. 20230.

Docket No. 68–00048–00–46040. Applicant: Iowa State University of Science and Technology. Purchasing Department, Ames, Iowa 50010. Article: Electronic Image Transmission System for Siemens Electron Microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Accessory for Siemens Electron Microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a replacement component assembly for an electron microscope which was manufacutred by the Siemens Aktiengesellschaft of West Germany. Components of this nature are available only from the manufacturer of the electron microscope for which they are intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–12526; Filed, Oct. 24, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (32 F.R. 10478 and 10479, dated July 15, 1967) is hereby amended to change the organizational designations of four divisions of the Bureau of Research. The organization and functions of the Bureau of Research now read as follows:

6–B *Organization and functions.*

* * * * *

Bureau of Research. The Bureau of Research which includes the Office of the Associate Commissioner and the following five divisions, promotes the improvement of education through administration of support for systematic educational research and related activities conducted outside the Office.

Division of Comprehensive and Vocational Education Research. Promotes the improvement of adult, technical, and vocational education by support of a broad spectrum of research and development activities designed to help present and prospective members of the labor force acquire the basic knowledge, skills, and personal characteristics necessary to ensure continuing and satisfying work careers. Included are experimental and pilot programs designed to meet the special vocational needs of the disadvantaged. Supports institutes and seminars to prepare teachers for new and changing occupations and to upgrade competencies of teachers already engaged in adult and vocational programs.

Division of Elementary and Secondary Education Research. Promotes the improvement of education through support of a variety of projects and programs in all phases of preschool, elementary, and secondary education. Activities include basic and applied research, demonstrations, curriculum improvement projects, and research related to education of particular groups.

Division of Higher Education Research. Promotes educational improvement through support of a variety of research and development activities related to all facets of higher education, from junior college through graduate school. Besides curriculum improvement and a variety of basic and applied research, activities also include comparative studies of education in foreign countries, improvement of instruction in foreign languages, and the development and use of new educational media.

Division of Information Technology and Dissemination. Administers programs which provide training in educational research, and supports a variety of dissemination activities such as the Educational Research Information

Center and its satellite clearinghouses and dissemination activities related to new educational media.

Division of Educational Laboratories. Administers support for research and development centers, generally located at major universities, where specific educational problems receive intensive and continuous attention; and for the network of educational laboratories where regional groups are concerned with systematic educational improvements of immediate or emerging concern. Administers support for construction and equipment of educational research facilities.

Dated: October 20, 1967.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 67-12603; Filed, Oct. 24, 1967; 8:50 a.m.]

Food and Drug Administration

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2221) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of 2,6-bis(1-methylheptadecyl)-*p*-cresol as an antioxidant and/or stabilizer in olefin polymers used in the manufacture of articles intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12602; Filed, Oct. 24, 1967; 8:50 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0648) has been filed by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-(4)-methyl]di thiophosphate in or on raw agricultural commodities, as follows: Alfalfa (fresh), alfalfa hay, clover (fresh), and clover hay at 10 parts per million; citrus at 2 parts per million; and cottonseed at 0.25 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric gas chromatographic technique with a sulfur detection cell. The oxygen analog of the insecticide is separated by thin-layer chromatography followed by development of the resultant spot first with flyhead cholinesterase and then with 1-naphthyl acetate.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12604; Filed, Oct. 24, 1967; 8:50 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2227) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing an amendment to paragraph (c) of § 121.1088 *Boiler water additives* to provide for the safe use of acrylamide-acrylic acid resin as a boiler water additive in the preparation of steam that will contact food.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12605; Filed, Oct. 24, 1967; 8:51 a.m.]

METACHEM, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2226) has been filed by Metachem, Inc., 425 Park Avenue, New York, N.Y. 10022, on behalf of Farbenfabriken Bayer, A.G., Leverkusen, Federal Republic of Germany, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of 2-phenyl indole as a stabilizer in polymers used in the manufacture of articles intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12606; Filed, Oct. 24, 1967; 8:51 a.m.]

CARLISLE CHEMICAL WORKS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2220) has been filed by Carlisle Chemical Works, Inc., New Brunswick, N.J. 08903, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of calcium di(neodecanoate) and zinc di(2-ethylhexoate) as stabilizers in polymers used in the manufacture of articles intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12607; Filed, Oct. 24, 1967; 8:51 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2225) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of poly(1,4-cyclohexylenedimethylene-3,3'-thiodipropionate), partially terminated with stearyl alcohol, as a stabilizer in polypropylene used in the manufacture of articles intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12608; Filed, Oct. 24, 1967; 8:51 a.m.]

GRAIN PROCESSING CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2224) has been filed by Grain Processing Corp., Post Office Box 341, Muscatine, Iowa 52761, proposing an amendment to § 121.2506 *Industrial starch-modified* to provide for the safe use of industrial starch, modified by treatment with not more than 0.3 percent of ammonium persulfate, as a component of paper and paperboard intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12609; Filed, Oct. 24, 1967; 8:51 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2222) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing an amendment to § 121.2507 *Cellophane* to provide for the safe use of diisobutyl phthalate and 2,2,4-trimethyl-1,3-pentanediol diisobutyrate as optional components of cellophane intended for food-contact use.

Dated: October 19, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-12610; Filed, Oct. 24, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67-52]

ALASKA STEAMSHIP CO.

Cancellation of FMC Port-to-Port Rates—West Coast/Alaska Trade; Order of Suspension and Investigation

Alaska Steamship Co. (Alaska Steam) has filed with the Federal Maritime Commission publications designated 7th Revised Page No. 1 to FMC–F No. 127 and Supplement No. 3 to FMC–F No. 114, to become effective October 27, and November 1, 1967, respectively.

The 7th Revised Page No. 1 to FMC–F No. 127 contains a cancellation notice stating:

> Effective October 27, 1967, all reference in this tariff to rates, rules, and regulations applying from, to, or at Valdez, Alaska, is deleted. Rates, rules, and regulations in Alaska Steamship Co. Tariff 878, ICC No. 92, will apply.

Supplement No. 3 to FMC–F No. 114 contains a cancellation notice stating:

> Tariff No. 832 (FMC–F No. 114) is hereby canceled effective November 1, 1967. For local all water rates between Seattle, Wash., and Alaska ports named in this tariff, refer to Alaska Steamship Co. Tariff No. 894 (FMC–F No. 157).

These tariff cancellations would cancel all the ocean carrier's rates now on file with the Federal Maritime Commission (FMC) with minor exceptions[1] between Seattle, Wash., and the Alaskan ports of Ketchikan, Juneau, Haines, Wrangell, Petersburg, Sitka, and Valdez. The ocean carrier has recently filed rates covering movements to or from each of these Alaskan ports with the Interstate Commerce Commission (ICC).

All of the rates subject to the cancellation notice are presently under investigation by the FMC in proceedings titled Alaska Steamship Co.—General Increase in Rates in the Southeastern Area of Alaska, FMC Docket 66–23, and Alaska Steamship Co.—General Increase in the Peninsula & Bering Sea Areas of Alaska, FMC Docket 66–22.

The cancellation of the above tariffs now on file with the FMC may result in Alaska Steamship Co.'s providing port-to-port service between the named ports without having rates on file with the FMC, in apparent violation of section 18(a) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933.

None of the subject rates of the ocean carrier include pickup or delivery services at the shippers' places of business in Alaska. All of the movements involve water transportation between the enumerated ports.

The first movement affected by the proposed tariff cancellations are movements to or from the Alaskan ports of Ketchikan, Juneau, and Haines. The carrier has indicated its intention of continuing a direct, regular service to these ports without any change in its previous operation. At the Seattle terminus of the movement, shippers deliver or receive their cargoes at a collecting point removed from the pier. This collecting point is designated in Alaska Steamship Co.'s terminal tariff as one of its terminals for receiving shipments. At present in certain, but not all, of the tariffs filed with the FMC, as well as those filed with the ICC, the same address is designated as the terminal of the motor carrier which performs the drayage.

The ocean carrier arranges the drayage between the collecting point and its pier, utilizing ICC certificated motor carriers. This appears to be Alaska Steamship Co.'s sole basis for canceling the subject tariff with the FMC covering movement between the ports of Seattle on one hand and Ketchikan, Juneau, or Haines on the other, and their filing such tariffs with ICC pursuant to P.L. 87–595.

The ocean carrier's present filing of Ketchikan/Juneau/Haines rates not only departs from previous practice, but also is inconsistent with many other rates now filed with the FMC by the same carrier, even though such rates include the same drayage movement from a collecting point to pier in Seattle. Suffice it to say that if the carrier's position is adopted as a rule, then all ocean movements between the continental United States and Alaska, with but minor exceptions, will be removed from the jurisdiction of the FMC.

We do not believe that such a result was ever intended by Congress nor do we believe that it was intended that port-to-port rates are or can at the carrier's option be removed from the responsibility and jurisdiction of the FMC because they include a short drayage between a collecting point and the pier.[1a] What we said in the order of suspension and investigation; Sea-Land Service, Inc.—Cancellation of FMC Port-To-Port Rates, FMC Docket No. 67–43, which involved an incidental pickup and delivery service, would appear to apply even more so to an incidental drayage that is largely for the convenience of the ocean carrier. We stated there:

> The FMC has jurisdiction over port-to-port rates between the State of Alaska and the contiguous states, * * *
>
> The FMC is of the belief that Congress did not intend that port-to-port services which embody incidental port services be subject to change in regulatory forum.[2] The FMC is of the belief that the rates proposed to be removed from FMC jurisdiction are port-to-port rates fully subject to its jurisdiction * * *.

The cancellation will also affect the ports of Wrangell, Petersburg, and Sitka. Alaska Steamship Co. has served each of these ports with a direct service for some time. It intends to continue such service utilizing its own vessels. The direct service is afforded either by vessels sailing to or from Seattle, or by transporting cargo between the named ports and Ketchikan or Juneau, using a shuttle barge owned by Alaska Steam. This movement between Alaskan ports may in addition, however, be accomplished utilizing the vessels of the Alaska Ferry System.

With respect to Valdez all cargo will move between that port and Cordova aboard vessels of the Alaska Ferry System. Alaska Steam does not intend to continue the previous direct calls which it made at Valdez, or at least does not currently have tariffs on file with either the FMC or ICC which so provide.

Cargo which is transported aboard a vessel of the Alaska Ferry System is unloaded from Alaska Steam's vessels and placed on a chassis. A tractor then drays the container-loaded chassis aboard the Alaska Ferry System vessel, after which the tractor is disconnected and driven off. At the other end of the Alaska Ferry System leg, a tractor is again connected and drives the cargo off.

With respect to movements involving either its own barge or the Alaska Ferry System vessels between the ports of Ketchikan and Juneau on one hand and Wrangell, Petersburg, or Sitka on the other, Alaska Steam itself provides all drayage, drive-on or drive-off involved.

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[1] Automobiles, motortrucks, and chassis; trailers; boats, canoes, and skiffs; wood rafters, arches, beams or roof joists; wood houses or buildings, set up; cans and can ends or tops; fish; fish bait; fish and whale meat; fish scrap; livestock and domestic animals; crossarms, ties, timbers, poles or pilings; cannery machinery; and bulk oil.

[1a] Alaska Steam's rates on containerload shipments include spotting of its equipment by AAA Transfer within the commercial zone of Seattle, for loading or unloading and return of containers to Alaska Steam's Seattle terminal.

[2] Alaska Statehood Act (enacted July 7, 1958) (72 Stat. 339 (351)) provides in pertinent part:

(b) Nothing contained in this or any other Act should be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its territories or possessions or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

The ICC has certificated Alaska Steam as a motor carrier for the transportation involved between the said ports.

Weaver Brothers, a company unrelated to Alaska Steam, provides the drayage, drive-on and drive-off with respect to the movements via Alaska Ferry System between Valdez and Cordova. The ICC has certificated Weaver Brothers for motor carriage between said ports.

The only possible means of transporting the above cargo between the named ports is by water carrier. There are no roads connecting the said ports.

Whatever the effect of the ICC's certification as motor carriers of the vehicles laden aboard the vessels of the Alaska Ferry System, the underlying transportation is that of a water carrier. The entire movement from origin to destination port is entirely by water. Indeed the ports can be served only by water. Neither of the underlying water carriers involved is regulated by the ICC insofar as its local port-to-port movement is concerned, and we are unable to discern why a combination of water movements would subject the entire water movement to ICC jurisdiction.

Substituted service may offer certain economies to the ocean carrier and may in some circumstances offer a better service to shippers. But the substitution of one sea-going vessel for another on a short leg of the entire voyage does not in our opinion deprive the FMC of jurisdiction over such movement.

It appears that Alaska Steam intends to continue a regular service to each of the subject ports, except Valdez, using its own vessels. Jurisdiction over such movements, including their applicable rates and practices, would seem to be unquestionably FMC's. It would then appear that to divest the FMC of jurisdiction over certain shipments wherein the ocean carrier substitutes for its own vessels those of the Alaska Ferry System would thwart this agency from executing its basic regulatory responsibilities with respect to ocean transportation between Alaska and the continental United States.

The issues raised herein require a prompt determination by the Commission and do not appear to present any disputed issues of fact which necessitate an evidentiary hearing. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant to this proceeding, such facts shall be specified with particularity by means of affidavits setting forth such facts, together with a statement of their relevance to the issues in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing, if such hearing is requested.

Therefore, it is ordered, That pursuant to the authority of section 22, Shipping Act, 1916, and section 3, Intercoastal Shipping Act, 1933, an investigation is hereby instituted to determine whether the rates intended to be canceled, or any of them, should remain on file with the FMC, or conversely whether the FMC is deprived of jurisdiction over such rates, or any of them, applicable to the entire movement by reason of (a) the drayage involved between collecting point and pier or within the commercial zone of Seattle, (b) the substitution of one vessel for another to effect transportation between the involved ports with or without the participation of another carrier.

It is further ordered, That inasmuch as operating this service without a rate on file with the FMC may result in a violation of section 18(a) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said 7th Revised Page No. 1 to FMC–F No. 127 and Supplement No. 3 to FMC–F No. 114 is suspended and the use thereof deferred to and including February 26, 1968, and February 29, 1968, respectively, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by Alaska Steamship Co. consecutively numbered supplements to the aforesaid schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspension matter is described and shall state that the aforesaid matter is suspended and may not be used until February 27, 1968, and March 1, 1968, unless otherwise authorized by the Commission; and the rates, charges, and provisions which were to be removed from FMC jurisdiction by the suspended matter shall remain under FMC jurisdiction during the period of suspension, and the matter suspended may not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by this Commission.

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission.

It is further ordered, That the Alaska Steamship Co. be named as respondent in this proceeding.

It is further ordered, That this proceeding shall be conducted by submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondent and any interveners supporting respondent, no later than close of business November 3, 1967. Replies thereto shall be filed by Hearing Counsel and interveners, if any, opposing respondent, no later than close of business November 17, 1967. An original and fifteen (15) copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument before the Commission will be heard at 9:30 a.m., November 29, 1967, in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should file a petition for leave to intervene with the Secretary of the Commission in accordance with Rule 5(1) (46 CFR 502.72), promptly but no later than November 1, 1967.

By the Commission, October 19, 1967.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-12611; Filed, Oct. 24, 1967; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-120]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 16, 1967.

Take notice that on October 9, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP68-120 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during calendar year 1968, various natural gas facilities necessary to enable Applicant to take into its certificated main pipeline system natural gas which is or will become available in its general supply area. Applicant states that the purpose of the authorization requested herein is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in the various producing areas generally coextensive with its system.

The total estimated cost of Applicant's proposed facilities will not exceed $3,497,500, with no single project to exceed a cost of $500,000, said cost to be financed from cash generated from operations, funds on hand and internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 13, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further

notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12532; Filed, Oct. 24, 1967; 8:45 a.m.]

[Docket No. RI63-280]

CABOT CORP. (SW)

Order Severing and Terminating Proceeding

OCTOBER 17, 1967.

By order issued December 31, 1962, the Commission suspended in this proceeding a rate increase filed by Cabot Corp. (SW) (Cabot), which was based solely on the application of the upward B.t.u. adjustment clause contained in Cabot's FPC Gas Rate Schedule No. 70. The subject sale is to Colorado Interstate Gas Co. from the Mocane Field, Beaver County, Oklahoma Panhandle area.

Cabot commenced the sale on October 12, 1962, pursuant to a temporary certificate issued October 5, 1962 in Docket No. CI63-254 at an unconditioned base rate of 17 cents per Mcf subject only to a downward B.t.u. adjustment for gas containing less than 1,000 B.t.u.'s per cubic foot. The contract underlying the subject rate schedule provides for a downward B.t.u. adjustment during the period June 1, 1962, through December 31, 1962; but for subsequent periods, provision was made for an upward B.t.u. adjustment. A permanent certificate was issued for this sale on February 27, 1963. Prior to the issuance of the permanent certificate, Cabot filed the subject increased rate to reflect the upward B.t.u. adjustment and such rate has been collected, subject to refund in Docket No. RI63-280, since June 1, 1963.

Cabot has filed a motion in Docket No. RI63-280 requesting that this proceeding be terminated. In its motion, Cabot states, among other things, that since the Commission in its order issued June 10, 1965, in Opinion No. 464, 33 FPC 1230, provided that the in-line price for initial sales in this area at the time of this sale was 17 cents per Mcf together with proportionate upward and downward B.t.u. adjustments, that the application of the subject upward B.t.u. adjustment under its contract should likewise be permitted. Cabot further states that if its motion is granted, Cabot agrees that the B.t.u. content of the gas sold under its Rate Schedule No. 70 shall be measured on a "wet" basis in the manner required by ordering paragraph (D) of Opinion No. 464.

In view of Opinion No. 464, we conclude it is appropriate to terminate the subject proceeding.

The Commission orders:

(A) The proceeding in Docket No. RI63-280 is severed from the proceeding in Docket No. AR64-1, the proceeding in Docket No. RI63-280 is terminated and the refund obligation filed therein is discharged.

(B) Within 30 days from the issuance of this order, Cabot shall file, as a supplement under its Rate Schedule No. 70, a statement providing for the measurement of the B.t.u. content of the gas on a "wet" basis in the manner required by ordering paragraph (D) of Opinion No. 464.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12533; Filed, Oct. 24, 1967; 8:45 a.m.]

[Docket No. G-12327]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 16, 1967.

Take notice that on October 9, 1967, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-12327 a petition to amend the order issued by the Commission July 19, 1957, as amended October 16, 1962, by authorizing Petitioner to abandon a direct sale of natural gas to an industrial customer and in its place deliver an additional volume of natural gas to an existing resale customer that will provide the same service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Pacific Northwest Pipeline Corp. (Pacific) was authorized, inter alia, to construct and operate certain natural gas facilities for the direct sale and delivery of natural gas to the Bunker Hill Co. (Hill) for use in various metallurgical and chemical industrial processes at its plant located near Kellogg, Shoshone County, Idaho. By the instant filing, Petitioner, as to Pacific, seeks authorization to sell and deliver to the Washington Water Power Co. (Power), an existing resale customer, volumes of natural gas for resale and delivery to Hill in lieu of the direct natural gas service now being rendered by Petitioner. Petitioner also proposes that Power operate the facilities necessary therefor. Petitioner states that the transfer of service proposed above would be consonant with its objective of providing distributors with incentive for further development and expansion of distribution systems and service rendered thereby.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 13, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12534; Filed, Oct. 24, 1967; 8:45 a.m.]

[Docket No. CP68-123]

GAS BOARD OF TOWN OF WEST JEFFERSON AND SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 16, 1967.

Take notice that on October 11, 1967, the Gas Board of the town of West Jefferson (Applicant), Route 2, Quinton, Ala. 35130, filed in Docket No. CP68-123 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the town of West Jefferson and its environs, Jefferson and Walker Counties, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system to serve the customers in its service area as set forth above. Applicant also proposes to take delivery from Respondent at a point on Respondent's main pipeline in Jefferson County, Ala., at a point approximately one-half mile west of the corporate limits of the town of West Jefferson. Applicant further proposes that Respondent construct and operate a tap and meter and regulator station at the proposed point of interconnection. Applicant estimates its third year peak daily and annual natural gas requirements at 591 Mcf and 44,355 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed at approximately $339,000, said cost to be financed by the sale of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12535; Filed, Oct. 24, 1967; 8:46 a.m.]

[Docket No. RI68-47]

HARPER OIL CO. ET AL.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

OCTOBER 18, 1967.

On July 13, 1967, Harper Oil Co. (Operator) et al. (Harper), filed with the Commission proposed changes in rates from 19.36 cents to 19 cents to 20.57 cents and 20.825 cents, under their FPC Gas Rate Schedule Nos. 8 and 16, respectively, for their jurisdictional sales of natural gas from the Laverne Field, Harper County, Okla. (Panhandle Area) to Colorado Interstate Gas Co. The Commission by order issued August 4, 1967, in Docket No. RI68-47, suspended for 5 months Harper's rate filings until February 1, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On September 22, 1967, Harper submitted amended notices of change in rates, designated as Supplement No. 1 to Supplement Nos. 12 and 6 to Harper's FPC Gas Rate Schedule Nos. 8 and 21, respectively, amending Supplement Nos. 12 and 6 to its aforementioned rate schedules to provide for rate increases to 20.58 cents and 20.835 cents instead of 20.57 cents and 20.835 cents per Mcf filed on July 13, 1967. Harper now proposes to further increase the suspended rates to include partial tax reimbursement for the increase in the Oklahoma Excise Tax which became effective on July 1, 1967. The proposed tax portion of the increases amounts to $30 and $99 annually under the rate schedules involved.

Harper's proposed rates of 20.58 cents and 20.835 cents per Mcf exceed the area ceiling of 11 cents per Mcf for increased rates in the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said docket. Since Harper's amended rate filings include partial reimbursement of the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the amended rate filings subject to the suspension proceeding in Docket No. RI68-47, with the suspension period of such amended rate filings to terminate concurrently with the suspension period (February 1, 1968), of the original filings in said docket.

Harper request waiver of the statutory notice to permit their amended rate filings to become effective as of October 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Harper's amended rate filings and such request is denied.

The Commission orders:

(A) The suspension order issued August 4, 1967, in Docket No. RI68-47, is amended only so far as to permit the 20.58 cents and 20.835 cents rates contained in Supplement No. 1 to Supplement Nos. 12 and 6 to Harper's FPC Gas Rate Schedule Nos. 8 and 21, respectively, to be filed to supersede the 20.57 cents and 20.825 cents rates provided in Supplement Nos. 12 and 6, respectively, to Harper's aforementioned rate schedules, subject to the suspension proceeding in Docket No. RI68-47. The suspension periods for such amended filings shall terminate concurrently with the suspension periods (February 1, 1968) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on August 4, 1967, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12536; Filed, Oct. 24, 1967; 8:46 a.m.]

[Docket No. CP68-127]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

OCTOBER 18, 1967.

Take notice that on October 12, 1967, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP68-127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce and authorizing the increase in the working gas volume of a storage field facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 26.4 miles of 16-inch welded pipeline between Scottsbluff and Northport, Nebr., replacing an equal length of 12-inch pipeline, which Applicant avers is in a deteriorated condition. The aforementioned 12-inch pipeline is part of certain facilities leased and operated by Applicant.

Applicant further requests authorization to increase the working gas volume of the Huntsman Storage Field from 6,000,000 Mcf of natural gas to 8,000,000 Mcf of natural gas in order to maintain and improve service to its customers. No new facilities are needed to effectuate the proposed increase in working gas volume.

The estimated cost of the proposed facilities is $925,000, which will be financed out of current working capital and interim bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 6, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 5 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12537; Filed, Oct. 24, 1967; 8:46 a.m.]

[Docket No. CP68-122]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 16, 1967.

Take notice that on October 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-122 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during calendar year 1968, various facilities necessary for the connection of additional supplies of natural gas in new and existing fields. Applicant states that such supplies will enable it to maintain an adequate supply of natural gas to meet the requirements of its customers.

The estimated cost of the facilities proposed by Applicant will not exceed $2 million, with no single project to exceed a cost of $500,000, said cost to be financed from cash on hand or cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 13, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its

own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12538; Filed, Oct 24, 1967; 8:46 a.m.]

[Docket No. RI63-169]

ST. HELENS PETROLEUM CORP. AND UNION PACIFIC RAILROAD CO.

Order Making Successor in Interest Co-Respondent, Redesignating Proceeding, and Requiring Successor To File Agreement and Undertaking

OCTOBER 9, 1967.

By order issued September 12, 1967, Union Pacific Railroad Co. (Union Pacific) in Docket No. G-19226, under lead Docket Nos. G-4804 et al., was issued a certificate of public convenience and necessity to continue a sale of natural gas previously made by its predecessor, St. Helens Petroleum Corp. (St. Helens), to Colorado Interstate Gas Co. in the Table Rock Field, Sweetwater County, Wyo.

The subject sale is involved in a rate proceeding in Docket No. RI63-169, and in Union Pacific's motion filed May 17, 1967, it requested that it be made a party respondent to the rate proceedings. Accordingly, Union Pacific should be made a co-respondent in this proceeding as redesignated, and the responsibility for making refunds, plus interest at 7 percent, of any amounts required by the Commission in Docket No. RI63-169, shall rest with St. Helens up to the effective date of the assignment of interest, i.e., January 1, 1967, and thereafter with Union Pacific.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder that Union Pacific be joined as co-respondent with St. Helens in Docket No. RI63-169, that such proceeding be redesignated accordingly, and that Union Pacific be required to file an agreement and undertaking herein.

The Commission orders:

(A) Union Pacific is made a co-respondent with St. Helens in the proceeding in Docket No. RI63-169 and the proceeding is redesignated accordingly.

(B) Within 30 days from the issuance of this order, Union Pacific shall execute and shall file with the Secretary of the Commission an agreement and undertaking, in the form attached, in Docket No. RI63-169 to assure refund of any excess charges which the Commisison may require on and after January 1, 1967. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Union Pacific shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, and its agreement and undertaking filed in Docket No. RI63-169 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)
By ----------

Attest:

[F.R. Doc. 67-12539; Filed, Oct. 24, 1967; 8:46 a.m.]

[Docket No. CP66-277]

TENNESSEE GAS PIPELINE CO. AND UNITED GAS PIPE LINE CO.

Notice of Joint Petition To Amend

OCTOBER 18, 1967.

Take notice that on October 11, 1967, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102 (Petitioners) filed in Docket No. CP66-277 a joint petition to amend the order issued by the Commission November 7, 1966, by authorizing Petitioners to construct and operate the facilities necessary to establish an additional point of delivery between them, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioners were authorized to construct and operate facilities and transport and exchange volumes of natural gas. By the instant filing, Petitioners seek authorization to construct and operate an additional point of interconnection for delivery of volumes of natural gas to United by Tennessee, said point of delivery to be called the Cameron Parish delivery point and located in Cameron Parish, La. United proposes to construct and operate approximately 60 feet of 8-inch pipeline together with a meter station and appurtenant facilities and Tennessee proposes to construct and operate a tap and side valve to connect such line to its facilities. Petitioners state that the additional point of delivery will be used to provide added operational flexibility to their respective pipeline systems and the volumes of natural gas proposed to be delivered through such facilities will come from those volumes presently authorized.

Petitioners state that the facilities proposed to be constructed by United are estimated to cost approximately $20,000 and the facilities proposed to be constructed by Tennessee are estimated to cost approximately $3,183, said costs to be financed by Petitioners from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 13, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12540; Filed, Oct. 24, 1967; 8:46 a.m.]

[Docket No. CP67-154]

CASCADE NATURAL GAS CORP.

Notice of Petition To Amend

OCTOBER 20, 1967.

Take notice that on September 22, 1967, Cascade Natural Gas Corp. (Petitioner), 222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP67-154 a petition to amend the order issued by the Commission February 13, 1967, by conforming the certificate issued by said order to the actual facilities installed and the actual costs incurred, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized, inter alia, to construct and operate certain natural gas facilities to effectuate the exchange of natural gas with El Paso Natural Gas Co. (El Paso). By the instant filing, Petitioner seeks to conform the certificate issued by the above-mentioned order to reflect the actual costs incurred and the actual facilities installed. Petitioner states that it was necessary to construct certain "Redelivery Facilities" for which no authorization was sought in the original application and Petitioner hereby seeks authorization for such facilities and seeks to conform the certificate issued by said order to reflect the cost of said facilities, such cost being $3,753.26.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regu-

lations under the Natural Gas Act (§ 157.-10) on or before November 9, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12580; Filed, Oct. 24, 1967; 8:48 a.m.]

[Docket No. CP68-85]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 20, 1967.

Take notice that on September 18, 1967, El Paso Natural Gas Co. (Applicant) Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-85 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate during calendar year 1968, various natural gas facilities necessary for the connection of relatively minor new or expanded supplies of natural gas in various producing areas generally coextensive with Applicant's Northwest Division System. Applicant states that the authorization requested will enable it to act with dispatch in contracting for and attaching new or additional supplies of natural gas to its pipeline system.

The total estimated cost of the facilities proposed by Applicant will not exceed $1 million and no single project will exceed a cost of $250,000, said cost to be financed from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12581; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. CP68-92]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 20, 1967.

Take notice that on September 20, 1967, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP68-92 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during calendar year 1968, various gathering and appurtenant facilities to enable it to take into its certificated pipeline system volumes of natural gas which will be purchased from producers in areas generally coextensive with its pipeline system. Applicant states that the proposed facilities will enable it to act with reasonable dispatch in contracting for and connecting to its pipeline system quantities of natural gas that may become available during the year.

The estimated total cost of Applicant's proposed facilities will not exceed $2 million and no single project will exceed a cost of $500,000, said cost to be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12582; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. CP68-95]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

OCTOBER 20, 1967.

Take notice that on September 22, 1967, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP68-95 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional quantities of natural gas to an existing resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver increased volumes of Winter Service natural gas, commencing November 16, 1967, to Brockton Taunton Gas Co. (Brockton) under Applicant's Rate Schedule WS-1. Applicant states that it proposes to increase the sale and delivery of natural gas to Brockton as follows:

	Maximum daily quantity (Mcf)	Winter contract quantity (Mcf)
Presently authorized	12,550	753,000
Proposed increase	1,000	60,000
Total	13,550	813,000

Applicant states that it proposes to render the service proposed above out of a supply of unallocated gas which it maintains to meet such demands of its customers. Applicant further states that no new or additional facilities will be required to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by

the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12583; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. CP68-103]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 20, 1967.

Take notice that on September 27, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-103 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon by sale to Atlanta Gas Light Co. (Atlanta) its 4-inch Forsyth Tap Line and Forsyth Meter Station located near mile post 56.242 on Applicant's Macon Branch Line, Monroe County, Ga., said line extending generally westward for approximately 2,250 feet and terminating at the present Forsyth Meter Station. Applicant states that Atlanta desires to purchase the facilities set forth above so that it may render natural gas service to customers in the area of said facilities. Applicant further states that the proposed abandonment will have no effect on its existing operations.

Applicant states that it has agreed to sell and Atlanta has agreed to purchase the facilities described above for the value at the date of closing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12584; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. CP67-52]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 20, 1967.

Take notice that on August 25, 1967, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-52 a petition to amend the order issued by the Commission December 16, 1966, by extending through October 31, 1968, the period for which Petitioner is authorized to render priority interruptible service to its resale customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized, inter alia, to render priority interruptible service to its resale customers for a period commencing with the issuance of said order and terminating October 31, 1967. By the instant filing, Petitioner seeks authorization to extend such natural gas service for a period November 1, 1967, through October 31, 1968. Petitioner states that certain of its resale customers have requested that it continue such priority interruptible service so that it may be available during the 1967-68 heating season. Petitioner also states that said service eases the burden on said resale customers considerably. Petitioner states further that no new or additional facilities are required to render said natural gas service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12585; Filed, Oct. 24, 1967; 8:49 a.m.]

[Docket No. CP68-84]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 20, 1967.

Take notice that on September 18, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-84 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon certain metering and regulating facilities comprising a field sale meter located in the Tinsley Field, Yazoo County, Miss. Applicant states that said facility has been used to make a sale of natural gas, for use as pumping gas in said field, to Union Producing Co., successor in interest to Beckett, Bridewell, Key, & Hughes, pursuant to a contract dated April 4, 1960, which has now been canceled and the facilities are, therefore, no longer required. Applicant further states that it proposes to remove only a single meter and a single regulator from such facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12613; Filed, Oct. 24, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry and Withdrawal From Warehouse for Consumption

OCTOBER 20, 1967.

On October 5, 1964, the U.S. Government, in furtherance of the objectives of, and under the terms of the long-term

arrangement regarding international trade in cotton textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Government of the Socialist Federal Republic of Yugoslavia concerning exports of cotton textiles from Yugoslavia to the United States. Under this agreement the Socialist Federal Republic of Yugoslavia has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specific annual amounts. Among the provisions of the agreement are those which permit the Government of the Socialist Federal Republic of Yugoslavia, within the aggregate limit, to exceed by not more than 5 percent any specific category limit.

The Government of the Socialist Federal Republic of Yugoslavia has also requested that an additional amount of cotton textiles in Category 9 be entered, with the understanding that these goods be charged against the level established for Category 9 for the 12-month period beginning January 1, 1968, set forth in the new bilateral agreement of September 26, 1967, between the United States and the Socialist Federal Republic of Yugoslavia. In order to accommodate the Government of the Socialist Federal Republic of Yugoslavia in its request, the U.S. Government has agreed to the entry of 52,721 square yards of cotton textiles in Category 9.

Accordingly, there is published below a letter of October 19, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible and for the period beginning January 1, 1967, and extending through December 31, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 9, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1967, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230.

OCTOBER 19, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on December 28, 1966, by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products produced or manufactured in Yugoslavia.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 5, 1964, as amended, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the level of restraint provided in the directive of December 28, 1966, for cotton textiles and cotton textile products in Category 9, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported from the Socialist Federal Republic of Yugoslavia to the United States for the period beginning January 1, 1967, and extending through December 31, 1967, is hereby increased from 5,512,500 square yards to 5,840,846 square yards, to be effective as soon as possible.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 67-12571; Filed, Oct. 24, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents part value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1967, through October 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-12551; Filed, Oct. 24, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

OCTOBER 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1967, through October 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-12552; Filed, Oct. 24, 1967; 8:47 a.m.]

[812-2202]

PURITAN FUND, INC.

Notice of Filing of an Application for an Order Extending a Prior Order of Exemption

OCTOBER 19, 1967.

Notice is hereby given that the Puritan Fund, Inc. ("Puritan"), 31 Milk Street, Boston, Mass., a management open-end, diversified investment company, registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance and delivery of its redeemable securities to Chautauqua Cabinet Co. ("Chautauqua") a New York corporation, in exchange for substantially all the assets of Chautauqua, pursuant to a certain Agreement and Plan of Reorganization ("Plan"). The Plan provides for the exchange of the securities at a price other than at the public offering price described in the prospectus. All interested persons are referred to the application filed with the Commission for a statement of the representations supporting the request for the exemption.

On May 25, 1967, the Commission issued an order of exemption from section 22(d) (Investment Company Act Release No. 4965) covering the same transaction between Puritan and Chautauqua referred to above. Under the Plan Chautauqua's obligation was conditioned upon receipt by it, on or before the closing date of June 19, 1967, of a ruling from the Internal Revenue Service satisfactory to Chautauqua that the proposed transaction constitutes a reorganization within the meaning of the of the Internal Revenue Code. Since a ruling was not issued by June 19, 1967,

the transaction was not closed. Puritan and Chautauqua have now agreed to amend the Plan by substituting a later closing date. The present application has been filed for the sole purpose of obtaining an exemptive order which will cover the transaction to be effected pursuant to the amended Plan. All other facts in the matter are the same as those presented in the original application and were summarized in the notice announcing its filing (Investment Company Act Release No. 4935), which is hereby incorporated by reference.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in its prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Puritan represents that the consummation of this transaction will be beneficial to its shareholders in that certain of its expenses will be spread over a larger number of shares and it will be able to acquire a large block of securities without paying brokerage commissions or affecting the market in such securities.

Notice is further given that any interested person may, not later than November 3, 1967, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addresed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Puritan at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–12553; Filed, Oct. 24, 1967; 8:47 a.m.]

[812–2150]

TRUST FUND SPONSORED BY SCHOLARSHIP CLUB, INC.

Notice of and Order for Hearing on Application for Order of Exemptions

OCTOBER 19, 1967.

Notice is hereby given that The Trust Fund Sponsored by The Scholarship Club, Inc. ("Applicant"), 15 East Broward Boulevard, Fort Lauderdale, Fla., a trust organized under the laws of the State of Florida and a registered, closed-end, nondiversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from the provisions of sections 14(a), 16(a), 26(a)(2)(A), 26(a)(2)(B), 27(c)(1), and 30(d) of the Act and pursuant to sections 18(i) and 23(b) for orders thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on July 22, 1965, by The Scholarship Club, Inc. ("Sponsor-Depositor"), a nonprofit Florida corporation, for the purpose of administering investment plans ("scholarship plans") which would provide funds to be used toward the college or university education of children designated by the investors. The scholarship plans, which investors establish by depositing money, on a lump sum or monthly basis, in either a federally insured savings bank or a federally insured savings and loan association located in Florida ("the federally insured institutions"), are offered solely to bona fide residents of the State of Florida through Scholarship Services, Inc., a separate and distinct selling organization.

In essence, under the plans, the details of which are set forth in the application, investors assign all earnings and other accretions on their accounts, which are to be kept in the federally insured institutions for 10 years or longer, to Applicant to become the absolute property of Applicant for investment and reinvestment with the sole aim of ultimate distribution to provide funds towards the education in accredited colleges or universities of children designated by investors. An investor is, at all times, entitled to withdraw from the plan and obtain the principal of his account in the federally insured institution. However, if he does withdraw, an investor forfeits all interest on his account that has been transferred to Applicant, in addition to the sales charges and that part of the administrative charges which has been prepaid. Similarly, if a child designated as a beneficiary dies prior to entering college, does not enter college, or does not continue in college in the first year or any succeeding year, the investor's interest in any portion of Applicant's funds is forfeited.

It is contemplated that, if the plans are carried to completion, the principal amount of an investor's savings account in a federally insured institution will provide all or a portion of the first year's college expenses and that Applicant's funds will provide all or a portion of the succeeding 3 years' expenses for the beneficiary. The beneficiary is entitled to such sums from Applicant's funds so long as he continues his education beyond the first year at the college or university which he has entered, and maintains a passing grade for such college or university, provided that no single child may receive a sum from Applicant greater than the cost of his tuition and expenses for a total of 3 years. Applicant states, however, that there is no guarantee that amounts derived from Applicant's funds will be sufficient to pay all of the college expenses of the beneficiary. The beneficiary will have available to him to meet college expenses at least the principal amount of the investor's payments into the savings account and all earnings thereon, including earnings and gains, if any, upon earnings invested by Applicant.

Pursuant to requirements of Florida law, Applicant's assets cannot be used to meet selling or administrative expenses of the plan, but must be used exclusively for the payment of college expenses for qualified recipients. Consequently, all such selling and administrative expenses in respect of the plans are to be borne by investors. In the case of both the fully-paid plan and the monthly installment plan, such expenses charged to an investor aggregate $140, of which $105 are sales charges and $35 are administrative fees. Total payments (including anticipated earnings) will be approximately $2,400. In the case of monthly installment plans providing typically for an aggregate principal investment of $1,800 over a period of 15 years, a fee of $126 is deducted from the first 12 monthly payments at the rate of $10.50 for each monthly payment of $20.50. This fee constitutes approximately 50 percent of the first year's principal payments made under such plan.

For the reasons set forth below, Applicant has requested an order of the Commission exempting Applicant from the following provisions of the Act:

(a) Exemption from section 14(a), insofar as it provides that no registered investment company shall make a public offering of a security of which such company is the issuer, unless such company has a net worth of at least $100,000. Applicant states that as of March 31, 1967, the value of its assets was approximately $40,000 and of the savings accounts of investors in scholarship plans in federally insured institutions was in excess of $1 million. In addition, under Florida law, the Sponsor-Depositor is also required, and has agreed, to deposit with the State Treasurer, in equal amounts in 1968 and 1969, securities having a value of $50,000 as security for the faithful performance of its obligations;

(b) Exemption from section 16(a), insofar as it requires the election of all directors by shareholders of the company. Applicant states that Florida law requires sponsor-depositors of scholarship plans to grant the right to elect a

director (without the vote of the plan's investors) to each of the Florida Congress of Parents and Teachers, the Florida Education Association, the Florida Bankers Association, and the Florida Savings and Loan League. The Sponsor-Depositor presently has three such directors;

(c) Exemption from sections 26(a)(2)(A) and 26(a)(2)(B), insofar as they require the instrument pursuant to which the plans will be sold to provide that during the life of a trust, the trustee or custodian, if not otherwise remunerated, may charge against or collect from the income or corpus of the trust fees for its services and remuneration for its expenses. Applicant asserts that these two sections of the Act are not applicable to Applicant since the trustee's remuneration is provided for by the investors' payment of the administrative fees discussed above and may not, under Florida law, be collected from the corpus or income of Applicant;

(d) Exemption from section 27(c)(1), insofar as it provides that a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicant submits that since payments are made into Applicant's funds from federally insured institutions on a periodic basis, the contracts issued by Applicant may be deemed to be periodic plan certificates. Applicant further submits that if an investor were permitted to redeem his contract and receive his proportionate share of Applicant's assets, it would destroy the entire contractual arrangement, since the essence of the scholarship plans is the retention of the funds of Applicant until distribution to qualified beneficiaries. Since under Florida law the principal amount of an investor's savings in federally insured institutions must always be available to the investor, Applicant contends that a major portion of the investment, i.e., the principal, is, in fact, redeemable; and

(e) Exemption from section 30(d), insofar as it requires the submission of a semiannual report to investors, so long as its portfolio activity is limited to investment in U.S. Government securities, municipal bonds and Certificates of Deposit of banks. Applicant states that a semi-annual report is not essential to the protection of investors in view of the limited portfolio activity contemplated by Applicant.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In addition, Applicant has requested that the Commission issue the following orders:

(a) An order under section 18(i) permitting voting rights as set forth in the bylaws of the Sponsor-Depositor. This order is necessary to the extent that the bylaws of the Sponsor-Depositor, which provide that in the election of directors each investor shall have one vote for each beneficiary of the scholarship plans which he owns, conflict with section 18(i) which, in pertinent part, requires that, unless the Commission should otherwise order, capital stock issued by a registered management investment company be voting stock and have equal voting rights with every other outstanding voting stock; and

(b) An order under section 23(b) permitting Applicant, a registered closed-end investment company, to sell its capital stock at less than its current net asset value until its next meeting of shareholders, at which time the continuance of the present selling procedure will be presented to shareholders for their approval. Such sales, if not approved by a majority of the company's shareholders, are prohibited by section 23(b), unless the Commission otherwise permits. Applicant states that because it is difficult to determine a current net asset value for Applicant's assets which would be available to investors, since Applicant's assets will be distributed only upon the occurrence of certain contingencies and then only to those beneficiaries who meet the requirements for such distribution, it may be selling plans at less than their net asset value. Applicant has undertaken to place the matter before shareholders for their approval at every annual meeting of shareholders.

Applicant submits that the establishment of scholarship plans is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to the extent that the plans have as their ultimate purpose the provision of funds for payment of college or university educations of beneficiaries, subject, at all times, to the comprehensive regulation and supervision of the operation and administration of such plans by the Office of the State Treasurer of Florida. In support of its application, Applicant states that the State Treasurer has control over the following major areas: (1) Initial approval of scholarship plans and issuance of the Certificate of Authority, without which the plans may not be offered to the public; (2) determination of the reasonableness of the plan enrollment fees and dues; (3) determination of the good moral character of the management personnel of the plans; (4) provision by the Sponsor-Depositor of voting rights for investors in the plans; (5) determination that trustees of such funds are insured banks having trust powers and approved by the State Treasurer; and (6) disbursement of the funds of the trust only to colleges and universities which are attended by beneficiaries of the plans. Applicant represents that it complies, or intends to comply, with all of the regulations promulgated by the State Treasurer of Florida, thereby operating the scholarship plans in the public interest consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application;

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on November 27, 1967, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before November 20, 1967, his application as provided by Rule 9 of the Commission's rules of practice, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Applicant is an investment company within the meaning of section 3(a) of the Act;

(2) Whether Applicant, pursuant to section 3(c)(8) of the Act, is excepted from the definition of an investment company;

(3) Whether the granting of the requested exemptions and orders under the Act is (a) necessary or appropriate in the public interest, (b) consistent with the protection of investors, and (c) consistent with the purposes fairly intended by the policy and provisions of the Act; and

(4) If the requested exemptions and orders are to be granted, what conditions, if any, should be imposed in the public interest and for the protection of investors.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to The Trust Fund Sponsored by The Scholarship Club, Inc.; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That the Secretary of the Commission shall mail a copy of this notice and order by certified mail to the Treasurer of the State of Florida.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-12554; Filed, Oct. 24, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 19, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspensions of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1967, through October 29, 1967, both dates inclusive.

By the Commision.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-12555; Filed, Oct. 24, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 21-67]

LABOR STANDARDS ON FEDERALLY FINANCED OR ASSISTED WORK CONTRACTS

Delegation of Enforcement Responsibility

1. *Purpose.* The purpose of this order is to delegate authority and to assign responsibility for performance of functions of the Secretary of Labor under the wage standards provisions of each of the laws referred to below:

Reorganization Plan No. 14 of 1950 (64 Stat. 1267). Davis-Bacon Act (40 U.S.C. 276a—276a-7).
Copeland Act (40 U.S.C. 276c).
Contract Work Hours Standards Act (40 U.S.C. 327-331).
Any statute enacted after July 1, 1967 which incorporates by reference any provisions of any of the statutes listed above.
Federal Aid Highway Act of 1956 (23 U.S.C. 113).
National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g).
Hospital Survey and Construction Act (42 U.S.C. 291h).
Federal Airport Act (49 U.S.C. 1114).
Housing Act of 1949 (42 U.S.C. 1459).
School Survey and Construction Act of 1950 (20 U.S.C. 636).
Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 15021).
United States Housing Act of 1937 (42 U.S.C. 1416).
Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).
Area Redevelopment Act (42 U.S.C. 2518).
Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).
Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d(c)(4), 293a(c)(5)).
Mental Retardation Facilities Construction Act (42 U.S.C. 295(a)(2)(d), 2662(5), 2675(a)(5)).
Community Mental Health Centers Act (42 U.S.C. 2685(a)(5)).
Higher Educational Facilities Act of 1963 (20 U.S.C. 753).
Vocational Educational Act of 1963 (20 U.S.C. 35f).
Library Services and Construction Act (20 U.S.C. 355c(a)(4)).
Urban Mass Transportation Act of 1964 (sec. 10a, 78 Stat. 307).
Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532).
Public Health Service Act (sec. 605(a)(5), 78 Stat. 454).
Housing Act of 1964 (78 Stat. 797).
The Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199).
The Nurse Training Act of 1964 (sec. 2, 78 Stat. 910).
Elementary and Secondary Education Act of 1965 (20 U.S.C. 239).
Federal Water Pollution Control Act (33 U.S.C. 466).
Appalachian Regional Development Act of 1965 (79 Stat. 5, 21, sec. 402).
National Foundation on the Arts and the Humanities Act of 1965 (79 Stat. 845).
The Research and Development in High-Speed Ground Transportation Act of 1965 (Public Law 89-220).
National Technical Institute for the Deaf Act (79 Stat. 125, 126, sec. 5(b)(5)).
National Capital Transportation Act of 1965 (Public Law 89-173).
Alaska Centennial (Public Law 89-375).
Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754).
Federal Aid Highway Act of 1966 (Public Law 89-574).
Models Secondary School for the Deaf Act (Public Law 89-694).
Allied Health Professions Personnel Training Act of 1966 (Public Law 89-751).

2. *Authority.* This order is issued under authority of 5 U.S.C. 301, Reorganization Plan No. 6 of 1950 (64 Stat. 1263), and the plan and the statutes referred to in paragraph 1 hereof.

3. *Previous directives affected.* Paragraph 11 of Secretary's Order No. 32-63 (29 F.R. 118) is hereby revoked.

4. *Delegation of authority and assignment of responsibility*—(a) *Solicitor of Labor.* Except with reference to the duties specified in subparagraph (c) below, the Solicitor of Labor shall carry out the functions of the Secretary of Labor under the Wage and Hour standards provisions of the statutes and reorganization plan referred to in paragraph 1 hereof and generally interpret, administer and apply these statutes. This authority and responsibility shall include: (1) Determining wage rates as authorized under such statutes, including resolution of conformable rate questions existing under contracts subject to such statutes; (2) performing the enforcement functions of the Secretary of Labor; (3) interpreting the statutes and reorganization plan referred to in paragraph 1; and (4) granting or revoking such variations, tolerances and exemptions as are authorized by any of the statutes referred to with regard to construction work.

(b) *Assistant Secretary for Labor-Management Relations.* The Assistant Secretary for Labor-Management Relations shall provide supervision to the Administrator of the Wage and Hour and Public Contracts Divisions in the performance of the functions delegated to him in subparagraph (c) of this paragraph.

(c) *Administrator of the Wage and Hour and Public Contracts Divisions.* The Administrator of the Wage and Hour and Public Contracts Divisions, or his delegate, shall (1) conduct investigations with respect to compliance and enforcement of labor standards prescribed under the statutes referred to in paragraph 1 hereof, determine the investigation program, settle cases of violations where appropriate, upon the payment of wages withheld and liquidated damages due, coordinate the enforcement activities of the contracting agencies, request the contracting agencies to withhold funds and authorize the disbursement of such funds to accomplish payment of wages withheld, receive complaints of violations and investigations from contracting agencies, (2) grant or revoke such variations, tolerances, and exemptions as are authorized by any of the statutes referred to in paragraph 1 hereof with regard to nonconstruction work and (3) approve or disapprove recommendations of the contracting agencies concerning relief from liquidated damages.

5. *Effective date.* This order shall take effect immediately.

Signed at Washington, D.C., this 19th day of October 1967.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 67-12550; Filed, Oct. 24, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 20, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-645 (Sub-No. 10), filed September 28, 1967. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham, Charlotte, N.C. 28206. Applicant's representative: Thomas D. Bunn, Post Office Box 527, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *"Group 1" general commodities; "group 10" building materials; "group 12" explosives and other dangerous articles,* from Charlotte, N.C., over North Carolina Highway No. 49 to junction of North Carolina Highway 160, thence over North Carolina Highway 160 to junction of U.S. Highway 29 (at or near Charlotte), and return over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, November 15, 1967, at 10 a.m., temporary offices of North Carolina Utilities Commission, Edenton and Wilmington Streets, Raleigh, N.C. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 4479 (Sub-No. 5), filed October 12, 1967. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general property* (except used household goods, liquid commodities in bulk, fly ash, dry cement and dry fertilizer in bulk, and dry acids and dry chemicals in bulk), (1) from the junction of U.S. Highway 411 and U.S. Highway 129 over U.S. Highway 411 to Madisonville, thence over Tennessee Highway 68, by way of Tellico Plains, to Cokercreek, thence over unnumbered highway to the North Carolina State line southeast of Cokercreek and return over the same route, (2) from Tallassee over Tennessee Highway 72 to the North Carolina-Tennessee State line and return over the same route, (3) from Tellico Plains over an unnumbered route by way of Hopewell Springs to Vonore and return over the same route, (4) from Tellico Plains over unnumbered route by way of Acron and Bellitown to Tallassee and return over the same route, (5) from Tellico Plains over unnumbered route by way of Rafter to Tallassee and return over the same route, and (6) from Maryville to Gatlinburg over Tennessee Highway 73 and return over the same route.

The authority sought herein is to be used in conjunction with all of applicant's existing authority, and with each other, in both interstate and intrastate commerce, serving all intermediate points.

HEARING: Tuesday, December 12, 1967, 9:30 a.m., C-1-100 Cordell Hull Building, Nashville, Tenn. Request for procedural information, including the time for filing protests concerning this application should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be addressed to the Interstate Commerce Commission.

State Docket No. 7276-M, filed September 15, 1967. Applicant: WINTERS TRUCK LINE, INC., 2620 McCormick, Wichita, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* (1) between Wichita, Kans., and Pratt, Kans., from Wichita, Kans., via U.S. Highway 54 to Pratt, Kans., and return over the same route, with service to all intermediate points and the off-route points of Pratt Air Force Base (approximately 4 miles north of Pratt, Kans.), Coats, Sawyers, Zenda, Spivey, Nashville, and Isabel, Kans., (2) between Pratt, Kans., and Medicine Lodge, Kans., from Pratt, Kans., and Medicine Lodge, Kans., via U.S. Highway 281 and return over the same route, (3) between South Haven, Kans., and Arkansas City, Kans., from South Haven, Kans., via U.S. Highway 166 to Arkansas City, Kans., and return over the same route, (4) between Wellington, Kans., and Oxford, Kans., from Wellington, Kans., via U.S. Highway 160 to Oxford, Kans., and return over the same route, (5) service to be rendered between all points now authorized under Route 80, Docket 7276-M and those items (1), (2), (3), (4) above, and (6) from a point known as Dalton's Corner approximately 4 miles east of Wellington, Kans., north over Kansas Highway 53 to Belle Plaine, Kans., thence over Kansas Highway 55 west approximately 3 miles to U.S. Highway 81 as an alternate route and for operating convenience only. Both interstate and intrastate authority is sought.

HEARING: No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Kansas State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9049-CCT (Amendment), filed September 11, 1967, published in FEDERAL REGISTER issue of October 4, 1967, amended October 10, 1967, and republished, as amended this issue. Applicant: ARTHUR N. LLOYD, INC., Post Office Box 1906, Clearlake Road, Cocoa, Fla. Applicant's representatives: Harry H. Mitchell and Rufus O. Jefferson, 103 North Gadsden Street, Tallahassee, Fla., and J. B. Rodgers, 227 North Magnolia Avenue, Orlando, Fla. Certificate of public convenience and necessity sought to operate as freight service as follows: Transportation of *general commodities,* except those of unusual value, classes A and B explosives, commodities requiring special equipment, such as commodities requiring refrigeration, commodities requiring tank trucker or transportation by which the container for the commodity is a part of any motor vehicle or trailer, to and from and between all points in Brevard, Volusia, Seminole, Orange, and Osceola Counties, Fla., over irregular routes and on irregular schedules. Both intrastate and interstate authority is sought. NOTE: The purpose of this republication is to broaden the authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 15975, filed October 10, 1967. Applicant: ROSS NEELY EXPRESS, INC., 3601 Fifth Avenue, North Birmingham, Ala. Applicant's representative: R. S. Richard, 57 Adams Avenue, Post Office Box 2069, Montgomery, Ala. 36103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* between Thomasville, Ala., and Kimbrough, Ala., as follows: From Thomasville, Ala., at or near the intersection of U.S. Highway 43, and Alabama State Highway 5, over Alabama State Highway 5 to Kimbrough, Ala., at or near the intersection of Alabama State Highways 5 and 10, and return over the same route, serving all intermediate points. All in connection with applicant's presently held authority. Both interstate and intrastate authority is sought.

HEARING: Wednesday, November 15, 1967, at 702 State Office Building, Montgomery, Ala., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Ala-

bama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12574; Filed, Oct. 24, 1967; 8:48 a.m.]

[Notice 469]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 20, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3062 (Deviation No. 2), L. A. TUCKER TRUCK LINES, INC., 321 North Spring Avenue, Cape Girardeau, Mo. 63701, filed October 10, 1967. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 3 and Bypass U.S. Highway 50 over Bypass U.S. Highway 50 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From National Stock Yards, Ill., over city streets to U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 to Cape Girardeau, Mo., and (2) from junction Illinois Highway 159 and Illinois Highway 3, near Red Bud, Ill., over Illinois Highway 3 to East St. Louis, Ill., and return over the same routes.

No. MC 13123 (Deviation No. 13), WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, filed October 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Elizabethtown, Ky., over Interstate Highway 65 to Nashville, Tenn., (2) from Reading, Pa., over U.S. Highway 222 to junction Pennsylvania Turnpike Northeast Extension, thence over the Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 78 (as access route to Interstate Highway 78), thence over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to Harrisburg, Pa., (3) from Reading, Pa., over U.S. Highway 222 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to junction Interstate Highway 78 (as access route to Interstate Highway 78), thence over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to Harrisburg, Pa., (4) from Reading, Pa., over Pennsylvania Highway 61 to junction Interstate Highway 78 (as access route to Interstate Highway 78), thence over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to Harrisburg, Pa., (5) from York, Pa., over Interstate Highway 83 to Harrisburg, Pa., and (6) from Winston-Salem, N.C., over Interstate Highway 40 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 95, thence over Interstate Highway 95 to Washington, D.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Elizabethtown, Ky., over U.S. Highway 31W to Nashville, Tenn., (2) from Reading, Pa., over U.S. Highway 422 to Harrisburg, Pa., (3) from York, Pa., over U.S. Highway 30 to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg, Pa., and (4) from Winston-Salem, N.C., over U.S. Highway 52 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 1, thence over U.S. Highway 1 to Washington, D.C., and return over the same routes.

No. MC 22229 (Deviation No. 12), TERMINAL TRANSPORT CO., INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, filed October 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Kentucky Highway 922, thence over Kentucky Highway 922 to junction Bypass U.S. Highway 60, thence over Bypass U.S. Highway 60 around Lexington, Ky., to junction U.S. Highway 60, thence over U.S. Highway 60 to junction of Blue Grass Parkway, thence over Blue Grass Parkway to Elizabethtown, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 42 to Louisville, Ky., thence over U.S. Highway 31W to Elizabethtown, Ky., and return over the same route.

No. MC 30311 (Deviation No. 4), A. C. E.-FREIGHT, INC., Post Office Box 123, Northfield, Ohio, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Ohio Highway 7 over U.S. Highway 30 to junction U.S. Highway 22, thence over U.S. Highway 22 to Ebensburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over Ohio Highway 18 to Youngstown, Ohio (also from Akron over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7, to Youngstown), thence over U.S. Highway 422 to New Castle, Pa. (also from Akron over U.S. Highway 224 to New Castle), thence over U.S. Highway 422 to Ebensburg, Pa., and return over the same routes.

No. MC 35628 (Deviation No. 24), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, Mich. 49502, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Youngstown, Ohio, over Interstate Highway 80 to New York, N.Y., and (2) from Akron, Ohio, over Ohio Highway 8 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 290, thence over Interstate Highway 290 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 91, thence over Ohio Highway 91 to junction U.S. Highway 20, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Youngstown, Ohio, over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York, N.Y., and (2) from Akron, Ohio, over Ohio Highway 8 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 91, and return over the same routes.

No. MC 59485 (Deviation No. 5), DARLING TRANSFER, INC., 1931 North 11th, Omaha, Nebr. 68110, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beatrice, Nebr., south over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to Hiawatha, Kans., and return over the same route, for operating convenience only. The notice indicates that the car-

rier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Auburn, Nebr., over U.S. Highway 75 to Dawson, Nebr., thence return over U.S. Highway 75 to junction Nebraska Highway 4, thence over Nebraska Highway 4 to Beatrice, Nebr., (2) from Falls City, Nebr., over U.S. Highway 73 to junction Nebraska Highway 67 (formerly Nebraska Highway 54), thence over Nebraska Highway 67 to junction Nebraska Highway 62 (formerly Nebraska Highway 54), thence over Nebraska Highway 62 to junction Nebraska Highway 54, thence over Nebraska Highway 54 to junction U.S. Highway 73, thence over U.S. Highway 73 to Omaha, Nebr., and (3) from Falls City, Nebr., over U.S. Highway 73 to Atchison, Kans., and return over the same routes.

No. MC 59720 (Deviation No. 2), KENMORE TRANSPORTATION CO., 22 Eskow Road, Worcester, Mass., filed October 10, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 6 via Hartford, Conn., to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 59680 (Deviation No. 52), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, west of Youngstown, Ohio, thence over Interstate Highway 80 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 21 to junction with the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 109265 (Deviation No. 10), W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Ohio Highway 10 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to Boston, Mass., and (2) from Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 via Worcester, Mass., and Albany, Waterloo, and Depew, N.Y., and Cleveland, Ohio, to Norwalk, Ohio, thence over unnumbered highway to North Fairfield, Ohio, thence over unnumbered highway to Delphi, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to Marion, Ohio, thence over U.S. Highway 23 to Columbus, Ohio (also from Boston to Cleveland as specified above, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to Norwalk; also from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20; also from Boston to Albany, N.Y., as specified above, thence over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to junction U.S. Highway 20 near West Springfield, Pa., thence as specified to Columbus; also from Boston to Cleveland, Ohio, as specified above, thence over Ohio Highway 10 to junction U.S. Highway 20, near Oberlin, Ohio, thence as specified above to Columbus, Ohio), (2) from Boston, Mass., over U.S. Highway 1 to Providence, R.I., thence over U.S. Highway 6 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass., and (3) from Providence, R.I., over U.S. Highway 1 to junction Connecticut Highway 9, thence over Connecticut Highway 9 to junction Alternate U.S. Highway 6, thence over Alternate U.S. Highway 6 to Waterbury, Conn., thence over Connecticut Highway 8 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 8 to junction U.S. Highway 20, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 408), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed October 9, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 80, unnumbered highway, and Interstate Highway 8 (Manzanita Junction, Calif.), over Interstate Highway 8 to junction unnumbered highway and U.S. Highway 80 (Jacumba Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Diego, Calif., over California Highway 94 to junction California Highway 125 (Spring Valley Junction), thence over California Highway 125 to junction U.S. Highway 80 (Grossmont Junction), thence over U.S. Highway 80 to junction unnumbered highway (El Cajon), thence over unnumbered highway to junction U.S. Highway 80 (West Alpine Junction), thence over U.S. Highway 80 to junction unnumbered highway (Manzanita Junction), thence over unnumbered highway to junction U.S. Highway 80 (Jacumba Junction), thence over U.S. Highway 80 to El Centro, Calif., and return over the same route.

No. MC 1515 (Deviation No. 409) (Cancels Deviation No. 376), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed October 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 65 to junction U.S. Highway 31, three miles south of Elkton, Tenn., with the following access routes: (1) From Franklin, Tenn., over Tennessee Highway 96 to junction Interstate Highway 65, (2) from Columbia, Tenn., over Tennessee Highway 99 to junction Interstate Highway 65, (3) from Columbia, Tenn., over Tennessee Highway 50 to junction Interstate Highway 65, (4) from Pulaski, Tenn., over Alternate U.S. Highway 31 to junction Interstate Highway 65, and (5) from Pulaski, Tenn., over U.S. Highway 64 to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31 via Columbia, Tenn., and Calera, Jemison, and Mountain Creek, Ala., to Montgomery, Ala., and return over the same route.

No. MC 13300 (Deviation No. 11), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed October 10, 1967. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Weldon, N.C., over Interstate Highway 95 to junction with access route near Gold Rock, N.C., thence over access route to junction U.S. Highway 301, 1 mile south of Battleboro, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and

the same property, over a pertinent service route as follows: From Richmond, Va., over combined U.S. Highways 1 and 301 to Petersburg, Va., thence over U.S. Highway 301 to junction North Carolina Highway 48, thence over North Carolina Highway 48 to Roanoke Rapids, N.C., thence over U.S. Highway 158 to Weldon, N.C., thence over U.S. Highway 301 to Rocky Mount, N.C., thence over North Carolina Highway 43 to junction U.S. Highway 258, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12573; Filed, Oct. 24, 1967; 8:48 a.m.]

[Notice 478]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 238 TA), filed October 16, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and/or facilities of John Morrell & Co. at Madison, and Sioux Falls, S. Dak., to points in Ohio, Michigan, Pennsylvania, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, Virginia, and West Virginia, for 180 days. Supporting shipper: John Morrell & Co., Sioux Falls, S. Dak. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 52709 (Sub-No. 296 TA), filed October 16, 1967. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; from Sioux Falls and Madison, S. Dak.; to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: John Morrell & Co., Post Office Box 1266, Sioux Falls, S. Dak. 57101. Send protests to: District Supervisor Charles W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 116004 (Sub-No. 21 TA), filed October 16, 1967. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, ZIP 75207, Post Office Box 743, Dallas, Tex. 75221. Applicant's representative: Vernon Crenshaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, classes A and B explosives, currency, bullion, articles of virtu, commodities which exceed ordinary equipment and loading facilities, and those injurious or contaminating to other lading); Between Dallas, Tex., and Lawton, Fort Sill, and Duncan, Okla., returning over the same routes and serving no intermediate points except as specified; (A) (1) from Dallas over Texas Highway 114 to its intersection with U.S. Highway 81, thence over U.S. Highway 81 to Chickasha, Okla., serving the termini and serving Duncan as an intermediate point; (2) from Dallas over Texas Highway 114 to its intersection with U.S. Highway 287, thence over U.S. Highway 287 to its intersection with U.S. Highway 281, thence over U.S. Highway 281 and H. E. Bailey Turnpike to Lawton, thence over H. E. Bailey Turnpike to Chickasha, Okla., serving the termini, serving Lawton as an intermediate point, and serving Fort Sill as an off-route point; (B) between Ardmore, Okla., and Duncan, Fort Sill, and Lawton, Okla., returning over the same route and serving no intermediate points except as specified: From Ardmore over U.S. Highway 70 to its intersection with U.S. Highway 81, thence over U.S. Highway 81 to its intersection with Oklahoma Highway 7 north of Duncan, thence over Oklahoma Highway 7 to Lawton, serving the termini, serving the intermediate point of Duncan, and serving the off-route point of Fort Sill. NOTE: Applicant proposes to tack or join with existing authority at the termini and all service points at the joinder or tacking points above specified, with other authority of applicant under MC 116004 and Subs., for 180 days. Supporting shippers: There are approximately 63 letters from shippers and consignees. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex.

No. MC 125140 (Sub-No. 4 TA), filed October 16, 1967. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chippewa Falls, Wis., to Norwood, Minn., for 180 days. Supporting shipper: Bowman Dairy Sales Co., 3600 North River Road, Franklin Park, Ill. 60131. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125194 (Sub-No. 7 TA), filed October 16, 1967. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. 49120. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and diet dairy products;* from South Bend, Ind., to points in Berrien, Cass, Van Buren, Kalamazoo, Kent, St. Joseph, Branch, Allegan, and Calhoun Counties, Mich., for 180 days. Supporting shipper: Hawthorn-Mellody Farms Dairy, Inc., 921 South Louise Street, South Bend, Ind. 46615. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 128763 (Sub-No. 3 TA), filed October 16, 1967. Applicant: K. H. TRANSPORT, INC., R.F.D. No. 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty hardware for furniture*, from Baltimore, Md., and Genesee, Pa., to Atlanta, Ga., Birmingham, Ala., New York, N.Y., Chicago, Ill., Florence, Ky., and Dallas and Houston, Tex., for 150 days. Supporting shipper: Hardware For Furniture, Inc., 4715 East Wabash Avenue, Baltimore, Md. 21215. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 129465 TA, filed October 16, 1967. Applicant: D & W REFRIGERATED LTL SERVICE, INC., 875 Reynolds Avenue, Columbus, Ohio 43201. Applicant's representative: Earl J. Thomas, 5844 North Highway Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, frozen, or not frozen, as described in list A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (a) from points in the New York, N.Y., commercial zone, as described by the Commission and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; to Cincinnati, Cleveland, Columbus, Dayton, Litchfield, and Youngstown, Ohio; Indianapolis and Fort Wayne, Ind.; Jeffersontown, Lexington, and Louisville, Ky.; St. Louis, Mo.; Pittsburgh, Pa.; and Charleston, W. Va.; (b) from points in the Philadelphia, Pa., commercial zone, as described by the Commission; to Cincinnati, Ohio; (c) from Cincinnati, Ohio; to points in the New York, N.Y., commercial zone, as defined by the Commission; points in the Philadelphia, Pa., commercial zone as defined by the Commission and Pittsburgh, Pa. Restricted to apply only on shipments weighing 10,000 pounds or less, for 180 days. Supporting shippers: E. Hutterbauer & Son, Inc., Cincinnati, Ohio; Fudim Bros., Inc., New York, N.Y.; American Free-Pak Corp., New York, N.Y.; Plumrose Inc., Springfield, N.J.; Ben Zeger Associates, Inc., New York, N.Y.; The New York Loin Corp., New York N.Y.; Northern Boneless Meat Corp., New York, N.Y. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 129466 TA, filed October 16, 1967. Applicant: LOUISVILLE AND NASHVILLE RR. CO. AND SEABOARD COAST LINE RR. CO., doing business as GEORGIA RAILROAD, 4 Hunter Street SE., Atlanta, Ga. 30303. Applicant's representative: Robert G. Young, 310 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by vehicle, over regular routes, transporting: *General commodities* moving under Railway Express Agency bills of lading from Atlanta, Ga., to Augusta, Ga., over Interstate Highways 20, and U.S. Highway 278 and Georgia Highway 12, serving the intermediate points: Conyers, Covington, Social Circle, Madison, Greensboro, Union Point, Crawfordville, Warrenton, Thomas, and Harlem, Ga.; restricted to shipments moving on a through bill of lading or express receipt with a prior or subsequent movement by rail, air, or highway, for 180 days. Supporting shipper: Railway Express Agency, Inc., Fulton Federal Building, Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30311.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12577; Filed, Oct. 24, 1967; 8:48 a.m.]

[Notice 1116]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 20, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 80428 (Sub-No. 63) (Correction), filed July 31, 1967, published FEDERAL REGISTER issue August 17, 1967, and republished as corrected this issue. Applicant: McBRIDE TRANSPORTATION, INC., Goshen, N.Y. Applicant's representative: Robert V. Giannini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Chatham, N.Y., to points in Massachusetts, Connecticut, Vermont, and Rhode Island. NOTE: The purpose of this republication is to add the words "animal feed" to the commodity description which was inadvertently omitted in the previous publication, and to reflect hearing information.

HEARING: Remains as assigned, December 1, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thaddeus G. Benton.

No. MC 12669 (Sub-No. 1) (Republication), filed March 31, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: KNOXVILLE TOURS, INCORPORATED, 1708 Charles Drive, Knoxville, Tenn. Applicant's representative: Francis A. Cain, 201 Fidelity Building, Knoxville, Tenn. 37902. By application filed March 31, 1967, applicant seeks a license authorizing operation, in interstate or foreign commerce, as a broker at Knoxville, Tenn., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in groups, destined for the same destination, in round-trip charter tours, beginning and ending at points in Hamilton, Monroe, McMinn, Loudon, Bradley, Polk, Sequatchie, Bledsoe, Cumberland, Fentress, Morgan, Scott, Campbell, Clairborne, Rhea, Meigs, Roane, Union, Grainger, Hancock, Hamblen, Hawkins, Greene, Jefferson, Cocke, Washington, Carter, and Johnson Counties, Tenn., and extending to points in the United States. An order of the Commission, Operating Rights Board dated September 29, 1967, and served October 16, 1967, finds that operation by applicant, as a broker at Knoxville, Tenn., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in round-trip tours, beginning and ending at points in Hamilton, Jefferson, and Sullivan Counties, Tenn., and extending to points in the United States (including Alaska but excluding Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be granted, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), *Operation of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker in arranging round-trip tours. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107496 (Sub-No. 469) (Republication), filed April 14, 1966, published FEDERAL REGISTER issue of May 5, 1966, and republished this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as applicant). By application filed April 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of dry chemicals, in bulk, in pneumatic type trailers, from the plantsite of Cowles Chemical Co., at or near Joliet, Ill., to points in Ohio, Michigan, Missouri, Iowa, Indiana, and Wisconsin. The ap-

plication was referred to Examiner Hobart C. Clough for hearing and the recommendation of an appropriate order thereon. Hearing was held on February 27 and 28, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served August 22, 1967, which became effective October 16, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *dry chemicals*, in bulk, from the plantsite of Cowles Chemical Co. located at or near Joliet, Ill., to points in Indiana, Iowa, the Lower Peninsula of Michigan (except Kalamazoo and Grand Rapids, Mich., and points in their commercial zones), Missouri (except St. Louis, Mo., and points in its commercial zone), Ohio, and Wisconsin (except points in Fond Du Lac, Winnebago, Outagamie, Brown, Kewanee, Door, Manitowoc, Calumet, Sheboygan, Ozaukee, and Washington Counties, Wis.); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109478 (Sub-No. 103) (Republication), filed May 9, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. By application filed May 9, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of containers and parts therefor, (a) from Salem, N.J., to points in New York, and (b) from Connellsville and South Connellsville, Pa., to points in New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont. The application was referred to Examiner Isadore Freidson for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 8, 1967, at Washington, D.C. A report and order of the Commission, division 1, served September 21, 1967, which became effective October 11, 1967, and served October 18, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce over irregular routes, (1) of *containers and parts therefor* (a) from Salem, N.J., to points in New York, and (b) from Connellsville and South Connellsville, Pa., to points in New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont, and (2) of *returned shipments* of the commodities described in (1) above, from points in the aforedescribed destination territory to the named origins; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125659 (Sub-No. 2), (Notice of Filing of Petition To Amend Certificate), filed September 8, 1967. Petitioner: ACE DRIVEAWAY SYSTEM, INC., North Miami Beach, Fla. Petitioner's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Petitioner states it is authorized in No. MC 125659 (Sub-No. 2) to conduct motor common carrier operations, over irregular routes, transporting passenger automobiles, in driveaway service, between points in New Jersey, that part of New York located in, south, and east of Orange and Dutchess Counties, N.Y., and that part of Pennsylvania located in, south and east of Bucks, Montgomery, and Chester Counties, Pa., on the one hand, and, on the other, points in Florida east of the Apalachicola River. By the instant petition, petitioner requests that its certificate be amended to include provisions for the transportation of passenger vehicles "with or without baggage, personal effects, sporting equipment and pets". Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

NOTICES OF FILING OF PETITIONS

No. MC 126458 (Notice of Filing of Petition To Amend and Modify Permit), filed October 2, 1967. Petitioner: ASCENZO & SONS, INC., Bronx, N.Y. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Petitioner states it is authorized to conduct operations as a contract carrier, by motor vehicle, in No. MC 126458, over irregular routes, transporting: Iron and steel and iron and steel articles, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the New York, N.Y., commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service under contract with Minker Trading Corp. of Great Neck, Long Island, N.Y., and North Atlantic Steel & Construction Materials Corp. of Great Neck, Long Island, N.Y. By the instant petition, petitioner seeks amendment of its permit to add an additional shipper: Concord Steel Corp., New York, N.Y. Upon amendment of the permit to add Concord Steel Corp., petitioner is agreeable to deletion from its permit of Minker Trading Corp. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127497 (Notice of Filing of Petition To Modify Permit), filed September 18, 1967. Petitioner: J. E. DODSON, INC., Kirtland, Ohio. Petitioner's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio. Petitioner states it holds a permit in No. MC 127497 which reads as follows: "Irregular routes, roofing shingles and tarpaper, from Chicago Heights, Ill., to Willoughby, Ohio, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Willoughby Supply, Inc., of Willoughby, Ohio." By the instant petition, petitioner seeks to modify this permit by adding as a contracting shipper, Certain-teed Products Corp., Chicago Heights, Ill. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9906. Authority sought for merger into GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601, of (1) ADKINS CARGO EXPRESS, INC., 2130 South Avenue, La Crosse, Wis. 54601, and (2) TAMIAMI FREIGHTWAYS, INC., 2130 South Avenue, La Crosse, Wis. 54601, and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY, all also of La Crosse, Wis., and MICHAEL P. MURPHY, 2331-81 South

Wood, Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004, and Joseph E. Ludden, 2130 South Avenue, La Crosse, Wis. 54601. Operating rights sought to be merged: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Indianapolis, Ind., and Brownstown, Ind., serving all intermediate points; between Nashville, Tenn., and Atlanta, Ga., serving those intermediate and off-route points located in Davidson County, Tenn., with restrictions; *general commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, between Nashville, Tenn., and Chicago, Ill., serving certain intermediate points, with restriction, and certain off-route points, between Louisville, Ky., and Rushville, Ind., serving all intermediate points except Jeffersonville, Ind., between Madisonville, Ky., and Henderson, Ky., serving no intermediate points, and serving termini for joinder purposes only; *general commodities*, between Louisville, Ky., and Medora and Freetown, Ind., serving the intermediate points of Brownstown and Vallonia, Ind., and the off-route point of Ewing, Ind., with restrictions; *general commodities*, except those of unusual value, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hammond, Ind., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points; over three alternate routes for operating convenience only; and

(2) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between, specified points in the States of Georgia and Florida, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 61628 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. GATEWAY TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Indiana, Minnesota, Wisconsin, Missouri, Iowa, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b). NOTE: GATEWAY TRANSPORTATION CO., INC., controls (1) ADKINS CARGO EXPRESS, INC., through ownership of capital stock pursuant to authority granted May 18, 1965, in MC-F-8990, by Finance Board No. 1, and was consummated June 30, 1965; and (2) TAMIAMI FREIGHTWAYS, INC., through ownership of capital stock pursuant to authority granted April 6, 1965, in MC-F-8686, by Division 3, and was consummated May 31, 1965.

No. MC-F-9907. Authority sought for purchase by FAIRLAWN TRUCKING CO., INC., 21-05 Morlot Avenue, Fair Lawn, N.J. 07411, of the operating rights and property of LAWRENCE J. O'BRIEN, INC., 21-05 Morlot Avenue, Fair Lawn, N.J. 07411, and for acquisition by HENRY J. GROSS, 1170 Wyoming Drive, Mountainside, N.J., ALBERT W. GOLDBERG, 210 Clark Street, Hillside, N.J., and ARTHUR M. GOLDBERG, 1111 Wyoming Drive, Mountainside, N.J., of control of such rights and property through the purchase. Applicants' attorneys: Bowes & Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier*, over irregular routes, between points in Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., New York, N.Y., points in Hunterdon, Warren, Somerset, Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Union Counties, N.J., and points in Pike County, Pa., between Belleville, N.J., and Philadelphia, Pa., with restriction. FAIRLAWN TRUCKING CO., INC., holds no authority from this Commission. However, it is affiliated with GRASS & HECHT TRUCKING, INC., 52 East Alpine Street, Newark, N.J. 07114, which is authorized to operate as a *contract carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC-F-9908. Authority sought for control and merger by WERNER TRANSPORTATION CO., 2500 West County Road C, Roseville, Minn. 55113, of the operating rights and property of CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa., and for acquisition by HARVEY L. WERNER, also of Roseville, Minn., of control of such rights and property through the transaction. Applicants Attorneys and representative respectively: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, Samuel Kaufman, 415 Oliver Building, Pittsburgh, Pa. 15222, and Thomas D. Feinberg, Rand Tower Building, Minneapolis, Minn. 55402. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Cincinnati, Ohio, between Zanesville and Columbus, Ohio, between Columbus and Coshocton, Ohio, between Newcomerstown and East Liverpool, Ohio, between Uhrichsville and Massillon, Ohio, between Wooster, Ohio, and Okron, Ohio, between Harrisburg and Philadelphia, Pa., serving all intermediate points, between Akron and Youngstown, Ohio, between Cincinnati and West Jefferson, Ohio, between Breezewood, Pa., and Hancock, Md., between Bedford and Butler, Pa., between Hagerstown, Md., and Waynesboro, Pa., between Trenton, N.J., and junction U.S. Highway 206 and U.S. Highway 130, serving no intermediate points, between Pittsburgh, Pa., and Cleveland, Ohio, serving all intermediate points and the off-route points within 15 miles of Cleveland, between Pittsburgh, Pa., and Baltimore, Md., serving all intermediate points and certain off-route points, between Pittsburgh, Pa., and New York, N.Y., serving certain intermediate and off-route points, between Columbus and Salem, Ohio, serving all intermediate points and the off-route points of Alliance and Sebring, Ohio, between Frederick and Baltimore, Md., serving the intermediate point of Washington, restricted to traffic moving to or from Frederick and points west of Frederick; between Niagara Falls, N.Y., and Buffalo, N.Y., between Buffalo, N.Y., and Pittsburgh, Pa., between Pittsburgh, Pa., and Washington, Pa., serving all intermediate points and certain off-route points, between Lewiston, Pa., and Scranton, Pa., serving the intermediate and off-route points in Pennsylvania within 35 miles of Scranton, and serving junction U.S. Highways 522 and 11 for purposes of joinder only, between Harrisburg, Pa., and junction U.S. Highways 522 and 11, serving junction U.S. Highways 522 and 11 for purposes of joinder only, with restriction, serving numerous alternate routes for operating convenience only; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Pittsburgh, Pa., and points in Pennsylvania within 35 miles of Pittsburgh, on the one hand, and, on the other, Scranton, Pa., and points in Pennsylvania within 35 miles of Scranton. WERNER TRANSPORTATION CO. is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Indiana, Iowa, Ohio, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9909. Authority sought for control by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, of DANIELS MOTOR FREIGHT, INC., Niles Road Extension, Post Office Box 2037, Warren, Ohio 44484, and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of DANIELS MOTOR FREIGHT, INC., through the acquisition by EAZOR EXPRESS, INC. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Raysor, Ortman, Barbour, Welch & Bell, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, as a *common carrier*, over regular and irregular routes, from, to, and between, specified points in the States of Ohio, Pennsylvania, Maryland, New Jersey, New York, Indiana, Michigan, Illinois, West Virginia, Delaware, Missouri, and the District of Columbia, as more specifically described in Docket No. MC-31220 and sub-numbers thereunder. (This description includes the proposed route conversion applica-

tion, in MC–31220 Sub-22, as granted, by decision and order, Review Board Number 1, dated August 15, 1967. No certificate issued yet.) This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. EAZOR EXPRESS, INC. is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, New Jersey, West Virginia, Indiana, Wisconsin, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9910. Authority sought for purchase by B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa., of the operating rights of EDW. CONEN TRANSPORTATION CORP., 39 Porete Avenue, North Arlington, N.J., and for acquisition by HOWARD MILLER and NELLIE E. MILLER, both also of Pittsburgh, Pa., of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 2310 Grant Street, Pittsburgh, Pa. 15219, and A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, and certain off-route points; and *general commodities*, with exceptions as specified above, in truckload lots, over irregular routes, between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, certain specified points in New York. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Ohio, Indiana, Michigan, Maryland, Pennsylvania, Virginia, New York, West Virginia, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9911. Authority sought for purchase by SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va., of a portion of the operating rights of JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 10234, Knoxville, Tenn., and for acquisition by R. R. SMITH and R. P. HARRISON, both also of Staunton, Va., of control of such rights through the purchase. Applicants' attorneys: David G. MacDonald, 1000 16th Street NW., Washington, D.C., and A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Operating rights soughts to be transferred: *General commodities*, except classes A and B explosives and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Tenn., and Greeneville, Tenn., serving all intermediate points, except those between Cleveland, Tenn., and Loudon, Tenn., between Chattanooga, Tenn., and Knoxville, Tenn., serving all intermediate points, except those between Cleveland, Tenn., and Chattanooga, Tenn., between Knoxville, Tenn., and Copperhill, Tenn., between Etowah, Tenn., and Athens, Tenn., serving all intermediate points, between Madisonville, Tenn., and Tellico Plains, Tenn., serving all intermediate points, except that no property shall be transported over this route from Chattanooga, Tenn., destined to or from Athens, between Greeneville, Tenn., and Bristol, Tenn., serving all intermediate points, between Knoxville, Tenn., and Bristol, Tenn., serving the intermediate point of Kingsport, Tenn., between Ocoee, Tenn., and Tennga, Tenn., serving all intermediate points and all off-route points within 5 miles of such highway; over three alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Virginia, West Virginia, Kentucky, Connecticut, Massachusetts, Maryland, Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Wisconsin, Kansas, Utah, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9912. Authority sought for control by AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361, of TRANS CANADIAN COURIERS, LTD., 119 Adelaide Street West, Ste. 106, Toronto, Ontario, Canada, and for acquisition by PUROLATOR PRODUCTS, INC., 970 New Brunswick Avenue, Rahway, N.J., of control of TRANS CANADIAN COURIERS, LTD., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorneys: J. K. Murphy, 222–17 Northern Boulevard, Bayside, N.Y., and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Operating rights sought to be controlled: Authority applied for in pending Docket No. MC–129456 Sub 1, covering the transportation of commercial papers, documents, written instruments, and business records (except currency and negotiable securities) as are used in the business of banks and banking institutions, as a contract carrier, over irregular routes, from the international boundary at the Niagara River at or near Niagara Falls, N.Y., and Fort Erie, Ontario, to the municipality of Buffalo, N.Y. AMERICAN COURIER CORPORATION is authorized to operate as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Deleware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia; and as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9913. Authority sought for purchase by CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La., of a portion of the operating rights of REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga., and for acquisition by TALTON A. TURNER, also of Opelousas, La., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., of control of such rights through the purchase. Operating rights sought to be transferred: *Butter, cheese, eggs, dressed poultry, and dry milk*, as a *common carrier*, over irregular routes, from Minneapolis, Minn., and Spencer, Greenwood, and Marshfield, Wis., to points in Georgia, Alabama, Tennessee, Mississippi, North Carolina, and South Carolina, with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Alabama, Arkansas, California, Georgia, Idaho, Kansas, Louisiana, Arizona, New Mexico, Nevada, Oregon, Texas, Utah, Washington, Nebraska, Wyoming, Colorado, Montana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–12575; Filed, Oct. 24, 1967; 8:48 a.m.]

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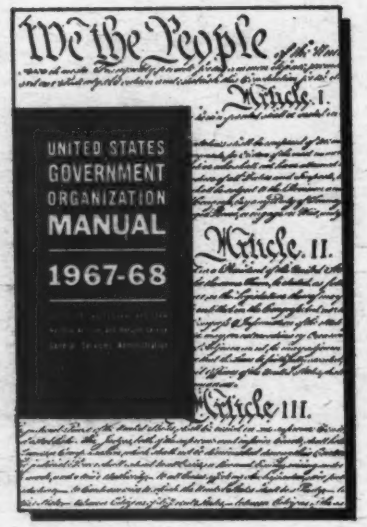

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